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STUDIES IN DIPLOMATIC HISTORY

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BY

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METHUEN & CO. LTD.
36 ESSEX STREET W.C.
LONDON

DA 45 .A46

First Published in 1930

PRINTED IN GREAT BRITAIN

PREFACE

THIS book of essays is with one exception a collection of memoranda written by Sir James Headlam-Morley during the ten years in which he was Historical Adviser to the Foreign Office. They are now published by permission of the Secretary of State. Although written in the Foreign Office they are not official documents; they do not express the views of the British Government. For the opinions advanced he alone was responsible; they embody the advice which it was his duty to tender; it was for others to make decisions of policy. The paper on Treaties of Guarantee has already appeared in the *Cambridge Historical Journal* of 1927; it is reprinted here by kind permission of the Editors.

Our part has been confined to the final editing. The necessary preparation was done by the author during the months of his illness, and during this time the introduction was written; the arrangements for publication were made a few days before his death. He wrote much, but a good deal of what he wrote he was unable to publish; some of the material he left is in an advanced state of preparation, and we hope that this book may be the forerunner of others.

Our cordial thanks are due to Miss M. H. Hughes whose friendship and assistance to our father and ourselves has been invaluable; without her co-operation the publication of this book must have been long delayed, and in addition, we are indebted to her for the preparation of the index.

At the end of each essay will be found the date when it was originally written. Notes added by the author when preparing the material for publication, and which draw attention to books or new information which have become available since the essays were first written, are enclosed in square brackets.

KENNETH HEADLAM-MORLEY
AGNES HEADLAM-MORLEY

January, 1930

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STUDIES IN DIPLOMATIC HISTORY

CHAPTER I

INTRODUCTION

THE essays contained in this volume were written at intervals during the last ten years. The subject was in each case suggested by some political event or diplomatic problem of the moment ; now it was the necessity at the Congress of Lausanne of coming to some new arrangement regarding the régime of the Straits which for over a hundred years had furnished one of the main problems of European diplomacy ; now it was the suggestions which were put forward from time to time for completing that guarantee to France which had been promised in the Treaty of Versailles, but which in fact had not been carried out ; now it was the summoning of the Washington Conference to discuss the problem of naval armaments ; now the pressure which was being brought on the British Government to accept the principle of general and compulsory arbitration. In each case fresh resolutions had to be considered and fresh decisions made. But none of these problems were new. There was in the background a long story of previous endeavours and decisions. Those who sat at the Council table in Lausanne or who guided the English destinies in Cairo, or who negotiated new alliances and guarantees in Downing Street, Geneva or Locarno, were only carrying on the work of others, and they knew that whatever they achieved would eventually be merely one more link in the chain of the progress of British policy. It seemed not unprofitable then to recall the experiences of the past, to note the changes in circumstances and conditions, and to indicate what might with advantage be imitated and what avoided.

These are essays in the true sense of the word. They do not claim in any way to be a full or authoritative account of the questions with which they deal ; they are rather in the

nature of voyages of exploration, a first appreciation, a hasty sketch, the details of which still require to be filled in. Written originally for a limited number of readers, all of whom were directly occupied with the practical conduct of these or similar problems, they are now published in case they may be found not without interest and value to a wider circle. And, indeed, I venture to hope that some at least may be encouraged to go on and go further in what I have found myself to be a singularly attractive field of inquiry. Much excellent work has been done on the history of British foreign policy: we have admirable biographies of individual statesmen and monographs on single episodes; in each of our classical histories chapters are devoted to external affairs, and in the Cambridge History of British Foreign Policy we have a record, sober and reliable, of the events of each period. But these studies are individual and isolated; we miss a continuous survey either of the whole or of the different parts and fragments of policy. Seeley indeed has produced such a general survey of the seventeenth century, but I know of no book where the student of our national history can trace in a reasoned and connected narrative the course of policy for the eighteenth and nineteenth centuries. And yet it might well seem worth doing, for, as M. Pinon has pointed out,[1] imperfect as our political education appears to be, none the less our policy in practice has often been singularly fortunate.

But here I am not concerned with the complete story of Great Britain's relations with foreign powers; all I have attempted to do is to trace a few of the individual threads which go to make up the great fabric of policy. For what we call foreign policy is no simple story; it is the outcome of interaction and compromise between many different and competing interests and motives. In the beginning we have the union of the British Isles, achieved after centuries of effort, only to be broken in our own days, the dominance of the Narrow Seas and the struggle to prevent a great military and naval power being established on the opposite shores. And then the field of interest widens. We become aware of the Atlantic motive; there is expansion across the Ocean, the struggle with Spain and France and the foundation of colonies. At the same time as the Ocean, the Mediterranean Sea comes into the picture; interests and influence are established in waters to the rulers of whose shores we cannot fail to appear as alien interlopers. And then are added India and the East,

[1] Pinon, *Histoire de la Nation Française* 1515–1928, Vol. IX.

and the road to India, and our coaling stations, and the opening up of China ; until it has come about that with the furtherance of trade and commerce there is no continent in which we do not have real and vital interests. The maintenance and defence of these interests provides in each case a new motive of policy, but the real problem arises always from the very number and variety of the interests to be defended, the developments to be furthered and the objectives to be pursued. Like all other countries, England has but a limited amount of power, wealth, public credit and political influence, and success requires a careful economy of resources. Just because the interests of this country are world wide, just because there is no continent in which it has not political power and fields of economic enterprise, it is more than any other country exposed to the danger of pursuing conflicting aims and arousing political opposition, and, for this reason, objects which are desirable in themselves cannot all be attained at the same time ; there must often be a sacrifice of material advantages, even a withdrawal from spheres of authority where we have established ourselves. We cannot, for instance, understand the great political crisis at the end of the last and the beginning of the present century, unless we realize the embarrassment caused to the British Government by the fact that at one and the same time we were involved in serious difficulties in Egypt, in South Africa, in China.

To this is largely due an element in the history of British policy which is often cause for unfavourable comment. There appears to be an uncertainty of touch, a vacillation and indecision, which is undoubtedly very inconvenient to those other nations who desire to co-operate with us, and which easily may give an impression of weakness. No better illustration of this could be given than the history of our relations with Egypt : I here see no difference between the earlier period—the twenty years following our first intervention in that country—and the years which have elapsed since the war. On neither occasion does it appear that the British Government knew precisely what it wanted or how its objects were to be attained. Now, it would certainly be more impressive if we could point to a clear policy, definitely laid down from the beginning by a far-sighted statesman, and carried out by him and his successors with inflexible resolution. But a little reflexion may suggest another point of view. It is all very well to lay down a clear objective beforehand, but human foresight is fallible, circumstances and conditions change, and

that which seems necessary and desirable to one generation may, thirty years later, assume a very different aspect. May it not, after all, often be wiser to learn by experience, to adapt both our methods and our aims to changing conditions? In 1919 it seemed easy for men in London to determine in outline what they wished should be the future relations of Great Britain and Egypt. But it soon became apparent that this forecast was based on a false estimate; it did not take into consideration how greatly the condition of the world and the minds of men had been changed by war and by revolution. Was it not wiser, even at the cost of consistency and at the risk of exposing ourselves to the charge of weakness and indecision, to recognize the new conditions and to adapt our aims to them rather than, by a display of force, obstinately to insist on older ideals?

In studying these problems there may be some who would object that in the present state of the world we do not want too much history. One of the diseases from which Europe suffers is the accumulated memory of the past. Every nation is obsessed by the recollection of injustices to be set right, of defeats to be revenged and of old ambitions still unrealized. Waterloo and Tannenberg, Kossovo and the Battle of the White Mountain, the ravaging of the Palatinate, the partitions of Poland, 1848, and the suppression of Hungarian liberties; not by brooding over these things shall we engender a spirit of peace. The time may come when the old enmities will cease to rankle; but it is only with the lapse of five hundred years that the memory of Joan of Arc has ceased to separate England and France, and it is not easy to approach more recent events in a similar spirit. We are often told that the task of the present is to cut ourselves off from the bad traditions and the obscurantist prejudices of former days. It is indeed true that the history of the past is the record of a time when this and every other nation normally used war as a means of policy and was not averse, when the occasion arose, from frankly resorting to what we now call an aggressive war. But, it may be argued, if there is to be no more war—and on this we are all agreed—what is there to be learned from the action of those to whom war was the very basis of policy? To look for guidance in the future to the bad old days is as absurd as it would be for the aeronaut conscientiously to study the history of road locomotion; the elimination of war as one of the normal methods of policy would completely alter the whole

character of international relations and the methods of diplomacy. If I laboriously demonstrate that the proposals for the reduction of armaments in the past have never been successful and that appeals to arbitration have generally been so guarded and limited as to be of very little use, I provoke the criticism, why tell us what we know already? we know quite well that all attempts to bring about reduction of armaments have failed and that the statesmen of the past have been reluctant to adopt the method of arbitration in the settlement of international disputes; the obvious conclusion to be drawn is not that the action of our predecessors should be a guide to us, but rather that, as they were completely wrong, it would be better not to trouble ourselves about them and their works.

And, again, if we follow out any of the subjects dealt with in this volume, or indeed any other aspect of foreign policy, the cardinal question which the responsible statesmen always had to ask themselves was this: if we defend our interests and press our claims, can we do so without incurring the danger of war? And also, an equally important question: what effect will our action in this matter have on our probable success in any future war in which we may be engaged? The real issue in regard to the Straits was military and naval; what we may call the peace problem, the navigation of the Straits by commercial vessels in time of peace, was for practical purposes settled a hundred years ago. If there was a problem of the Straits at all it arose entirely from the necessity for considering and determining beforehand how the control of the Straits, the opening and closing of them to ships of war, would affect us in time of war. Every contingency had to be taken into consideration. Should we be at war with Russia? If we were at war with Russia, would Turkey be an ally, a neutral or an enemy? What would be the attitude of the other European Powers, and, above all, what would be the effect of our policy upon our naval position in the Mediterranean, which has in the past always been our prime concern, and which must remain so as long as the possibility of war is something to be reckoned with? The whole problem of the Low Countries was nothing else than this—how to guard the security of these islands against a naval and military attack from the continent of Europe. But if the danger of war may be disregarded, if in future we are to have no more aggression, then the problem disappears altogether. And if so, the record of our past difficulties and the manner in which they were

met, while it will always retain its historical interest, will cease to have immediate bearing on our present action.

In truth the elimination of war would completely alter the character of diplomatic relations and the methods of diplomacy. Already we can see the first beginnings of this new conception and undoubtedly a new diplomatic technique coming into being. The flood of light which recent publications have thrown upon every detail of European diplomacy during the years preceding the war, cannot but have a profound effect upon our action in the future, for on one thing every one will be agreed, that this is not the way in which public affairs should be managed. The unvarnished record is the most complete condemnation of the system. It is true that the years immediately preceding the war were not characteristic; it was a time when the whole efforts of every country were avowedly concentrated on preparations for the war which all professed they wished to avoid, and all believed was inevitable. No single step could be taken, no movement made in any part of the world, but there had to be considered its possible effect on the relation of the great alliances, and whether it would tend to precipitate the impending catastrophe. All this affected essentially the character of diplomatic negotiations. But if we grant, not only the obvious fact that the immediate and unusual complications of that period have disappeared, but also that the very prospect of a great war between the Powers may be neglected, the change is so fundamental that the study of the past, great though its historical interest may be, will be of little practical use to the diplomatists of to-day. Whether the diplomacy of the future will be superior to that of the past is another question. The fear of war has often been a restraining influence and one cannot be sure that violent appeals to national prejudices and passions may not become even more common and more unrestrained when one of the chief grounds for caution and prudence has been removed. However this may be, one can already see that the diplomacy of the future will be more and more occupied with interminable legal controversies, which are never settled and lead to no conclusion. We may, I take it, presume that the proceedings of the Council of the League of Nations are typical of the new era, which is now only just beginning; and among them, what is more characteristic than the controversy between Roumanians and Hungarians over the Optants, and the unavailing efforts to reconcile Poles and Lithuanians? We must be prepared to expect that, as the

world settles down after the convulsions of the late war, men will more and more turn away in pure weariness from a study of these futile and ineffective discussions.

None the less, the time does not seem actually to have arrived when this great change in the relations of states to one another and in the character of their intercourse has been finally and definitely achieved. The regeneration of mankind may be on its way; it is not yet accomplished. The League of Nations is in existence, but it is not from Geneva that the world is yet governed; the springs of action, the sources of authority, are still to be found not there, but in London and in Paris, Washington, Berlin and Rome. The rivalry of states has not ceased and in each state opinion is still guided by traditional motives, prejudices and beliefs. I see no sign that the British, French or American nations have any intention of renouncing such fundamental interests as the control of the Persian Gulf or the maintenance of the French sphere of influence in Northern Africa, or the body of principles, aims and ambitions implied in that comprehensive phrase, the Monroe Doctrine. When confronted with political problems of real moment, the actions of states are not essentially different from what they have always been. The time has not yet come when we can afford to neglect any opportunity of acquainting ourselves with the manner in which Congress, or Parliament, or the Chamber of Deputies, or the Quai d'Orsay, or the Consulta, have acted in the past.

The task of the statesman has been complicated, not simplified. The environment in which he works has not been fundamentally changed and yet the desire manifest in certain circles to break all sense of continuity, is not the product merely of an unpractical idealism. A new purpose has been superimposed upon the substructure of older motives and desires. To-day there is almost universal agreement that the preservation of peace should be the supreme object of endeavour. It does not follow that this object will be more readily achieved by cutting ourselves off from all knowledge of a past, when war was only too often considered a lesser evil than the renunciation of some real or supposed national interest. It is only by a frank recognition of the fact that the traditional interests and ambitions of states still persist that these interests can be reconciled by peaceful means. Moreover, faulty, spasmodic and ineffective though the efforts of our predecessors may have been in the avoidance of war, it does not follow that a study of these efforts may not

have a more than academic value—even in this enlightened age.

During the years immediately following the conclusion of peace, the minds of statesmen were much occupied with the problem of security against future aggression and of a guarantee whereby permanence and stability might be given to the new régime. In such circumstances a clear analysis of the meaning and implication of a treaty of guarantee and a consideration of the previous history of such instruments could not be out of place. Moreover, when discussing the relative advantages of a general mutual guarantee or of a special agreement to safeguard certain definite objects, it may still be worth while to compare the effectiveness in the past of various attempts to secure integrity of frontiers, and also to inquire into the motives which influenced Parliament on previous occasions and led to a strong prejudice, often expressed in the House of Commons, against a multiplication of commitments by which this country would bind herself in certain circumstances to go to war. In this connexion we have undoubtedly progressed. If we compare the Locarno Pact with previous treaties dealing with Western Europe, there is I think a fundamental difference; the essence of such older arrangements was an agreement between certain states for the preservation of their security in the case of war; the Locarno Treaties quite definitely have as their object, not security in war, but security against war. Nevertheless, they need not lose value in our eyes because participation in them safeguards some of our most fundamental national interests and is in full accord with the best traditions of British policy.

In the future there is no doubt that the reduction of armaments will be carried to lengths never dreamed of in the past and that arbitration will be used for the settlement of a variety of controversies hitherto considered unsuitable for judicial decision. But the experiences and blunders of a previous generation may help us to appreciate the value and limitations of each of these methods, and a study of their origins may clear our minds of a number of misconceptions and enable us to build our own, more pretentious, edifice on a sound and sure foundation. Such a study, if it does nothing more, will at least show that peace, like every other object of policy, can be achieved not by one simple process, but only by ceaseless struggling along devious paths, and it may also serve as a warning that we should not put our sole trust in the establishment of a complicated machine for the preservation of the

status quo ; more is needed than this if in the future war is to be made impossible.

It need not be said that I am myself entirely responsible both for the opinions and for the presentation of facts contained in this volume ; in no case was any pressure brought upon me, when they were originally written, to bring them into conformity with official action, and such revision as has been necessary before publication, has been entirely my own.

J. W. HEADLAM-MORLEY

WIMBLEDON
August, 1929

CHAPTER II

THE BRITISH GOVERNMENT AND ARBITRATION

An Historical Review

RECENT discussions on arbitration have generally been of a theoretical and abstract character. Only to a very small extent has actual experience been taken into consideration, and yet this experience is very considerable. It may therefore be of interest, and perhaps even of practical value, to review the past history of this subject with special reference to the record of the British Government; such a survey can scarcely fail to throw valuable light on the nature, uses and limitations of the arbitral procedure and to show how far it can be used to supplement other methods of arriving at a peaceful settlement of international disputes.

The inquiry naturally begins with the celebrated arbitration conducted with the United States under the Jay Treaty of 1794; an epoch is marked by the meeting of The Hague Peace Conference and the establishment of The Hague Court in 1899, and the historical investigation must cease with the outbreak of war in 1914. With the conclusion of peace and the establishment of the League of Nations in 1920 a new era begins. Lists of all cases in which arbitration was used during these hundred and twenty years have been compiled; the number is imposing; according to one authority, there have been 130 cases; according to another, over 200.[1] It at once emerges from any general survey that a very important part has been played by Great Britain and the United States. According to

[1] The most important work dealing with the subject is that by Lapradelle and Politis, *Recueil des Arbitrages internationaux*; this, however, has only been completed down to the year 1871. Mr. Evans Darby has compiled a list, *International Tribunals*; the standard work by Mr. J. B. Moore, *International Arbitrations*, is confined to those in which the Government of the United States has taken part. A valuable historical survey of the whole period is contained in Politis, *La Justice internationale*. There does not seem to be any special work dealing with this subject published in England; we have not even any satisfactory monograph on the *Alabama* case.

Politis, Great Britain was concerned in 71 cases, the United States in 69. Noticeable also is the number of arbitrations in which the South American republics have been concerned; this, of course, is due almost entirely to the influence of the United States. Arbitration between European States has been very rare and almost entirely confined to colonial and maritime affairs. In the years ending 1871, out of about 45 cases, Great Britain was concerned in 23, the United States in 24, the South American republics in 16; those in which none of these countries participated were only 6, of which 2 only were between European States.[1]

International arbitration is, indeed, the invention of Great Britain and the United States. It is one of the important contributions which these countries have made to our modern political machinery. This is not accidental. It is the application to international affairs of habits which the two kindred races have learned by long practice in self-government. In both countries the Law Courts have often played a great part in the development and elucidation of political problems, and there was therefore nothing strange in the idea that a legal decision might be invoked on international as well as on internal questions. If we read the arguments in any of the great arbitration cases between these two States, as, for instance, the *Alabama* or the Newfoundland Fisheries, it is difficult to realize that we have to do not with a sitting of the Judicial Committee of the Privy Council or the Supreme Federal Court, but with an international court in which counsel belong to two opposed nations. If there is a difference, it is that the national courts have at times had to deal with matters graver even than those brought before the international, as in the case of ship money, the trial of the seven bishops, the Dred Scot case, and perhaps we may add in more modern times, the Taff Vale decision, each of which brought about a grave crisis, leading in some cases to the threat, in others to the reality, of rebellion and civil war. No verdict in an international arbitration has had similar consequences. The reason for this we shall see later; but under a system in which arbitration was made compulsory, and a State could be compelled against its own will to accept reference on a debated matter

[1] See Lapradelle and Politis; they include, however, in their enumeration several cases which, though of real legal interest, cannot politically be regarded as genuine instances of international arbitration between two sovereign States, and it is with these only that we are here concerned.

to a court of judicature, we can scarcely doubt that a verdict which might be unacceptable to one party, but which would be enforced by international sanctions, would be attended by consequences equally momentous.

Especially noteworthy, therefore, are the long series of arbitrations in which Great Britain and the United States have been the two parties. They are as varied as they are numerous ; they include the settlement of important territorial questions, and cognate to and arising out of them, such matters as the fishery rights on the Newfoundland coast and in the Behring Sea. They include also questions of the highest political importance, such as the rights and duties of neutrals during war, and, in addition, the very numerous private claims which were dealt with in the great arbitrations of 1804 and 1853, in the first of which over 500, and in the second over 115, separate cases were adjudicated. The record is all the more remarkable when we recall the political history of the times ; throughout the whole of the century after the peace of 1814 our differences with America were more persistent and just as serious as those with any other country. Again and again there was acute friction and animosity between the two nations ; again and again, as a consequence of differences which seemed of vital moment, they were brought to the verge of war ; often there were gravely provocative pronouncements, such as those of Mr. Sumner on the *Alabama* claims, of Mr. Olney in regard to Venezuela, or the remarkable resolution of Congress impugning the right of Great Britain to federate the North American colonies into a Dominion ; and on occasions no doubt some representatives of this country pressed their case beyond what could be maintained, as, for example, Lord Russell in his correspondence with Mr. Adams about the *Alabama* case. But there have always been on both sides men of weight and insight who interposed before any irrevocable step had been taken, and underlying such differences there was present in both countries a consciousness that it was the duty and interest of each to find some method of peaceful settlement ; in this connexion it would be impossible not to refer to the wise reserve and discretion which was shown by the House of Commons in many of the most critical episodes. A settlement was always arrived at by methods of diplomacy and peaceful agreement, and, among the methods available, that of arbitration was frequently resorted to ; from this experience the two countries have developed a clear sense of the occasions on which arbitration

may be conveniently used to supplement diplomacy and negotiation. In doing so, they have had before them a great purpose to which expression was given by Mr. Gladstone, when, speaking in 1872 on the *Alabama* question, he said in the House of Commons :

> . . . But this importance is greatest of all with respect to its bearing on the subject of arbitration, and upon the future interests of the world, for England and America undertook a great responsibility in the face of all other nations when they attempted to apply, after some recent discouragements, this principle of amicable settlement to a great controversy between two high-spirited nations ; and if these two nations succeed in giving effect to what undoubtedly is the desire sincerely entertained, and cordially entertained, alike on the one side and on the other, something, I think, will be achieved for the benefit of the cause of peace.

This is the atmosphere in which arbitration was born and flourished. Very different are the conditions if we turn elsewhere to the diplomatic history of Europe and the relations of Great Britain to European States. Throughout the whole of the nineteenth century it is difficult to find a single case in which two other Great Powers have resorted to arbitration on any question of real interest and importance,[1] and in matters arising out of disputes upon the continent of Europe the method was practically unknown. This country, which has so often arbitrated with the United States, has for continental affairs never done the same ; we may search in vain for illustrations of arbitration arising out of the classical diplomatic discussions concerning affairs such as the Eastern question, the Danish Duchies or the establishment of the Kingdoms of Italy and of Greece, the diplomatic negotiations in regard to which extended over many years.

It is, perhaps, just because of the wide experience which they have acquired that Great Britain and the United States have shown themselves so reluctant to assent to any universal agreement for compulsory arbitration. They know not only the value of arbitration but also its limitations. The historical difference has, indeed, caused what may be fairly described as a fundamental difference in the approach and attitude towards arbitration. In this country and in America it has from long experience become closely interwoven with the actual management of foreign affairs ; at any rate, since about 1860 there has been scarcely a single British Foreign Secretary who has not had personal experience of arbitration and found

[1] But see below, pp. 36–7.

himself in the situation that he must decide whether or not it was, in some particular instance, suitable and desirable. In the same way the legal advisers of the Government have accumulated a great store of practical experience as to the technical working of the system. Elsewhere this element in the past was not largely represented, and in consequence interest in arbitration has been more widely spread among the academic and theoretical writers on international law than among men of affairs. Their approach is more systematic, more idealistic, and perhaps, therefore, more Utopian, and there may have been some disposition to assign to arbitration a position in diplomatic procedure greater than that to which it is entitled.

We must now carry our investigation a stage further, and begin by clearly defining what is meant by arbitration and how it differs from other methods of peaceful settlement, such as diplomacy, conciliation, mediation. To this the answer can be clear and definite. Arbitration implies first, the reference of a dispute either to a single individual or to a commission or court so constituted that, apart from unforeseen accidents, they cannot avoid issuing an award ; and secondly a previous agreement that the award, whatever it may be (unless, of course, there is clear evidence of bribery, unjust influence, or unless the award obviously goes outside the questions submitted), will be accepted as definitely closing the controversy. The essence of the whole thing is that it issues in an award which is authoritative and final,[1] and it is this element of finality that, politically, gives special importance to the arbitration procedure. A State which has agreed to accept an arbitral award, thereby, so far as the award goes, definitely surrenders its own free will, and irrevocably condemns itself to passive submission. It is in this that the essential difference between arbitration and other methods of peaceable settlement lies, and this obviously is the reason why on important questions States have been so reluctant to adopt the method. This is also the reason why those who desire to build up a complete and watertight system which will necessarily, without equivocation, provide a peaceful settlement of every kind of international dispute, concentrate

[1] This is clearly indicated both in the Covenant of the League of Nations and in article 4 of the Geneva Protocol. The importance of securing finality was strongly pressed by Mr. Olney in his criticism of the proposal for a general Arbitration Treaty between Great Britain and the United States made by Lord Salisbury in 1896.

attention on arbitration. It becomes a last resort when every other method of reaching an understanding has failed, and it thereby acquires in the theoretical discussions an importance to which, as will be seen, it has not yet historically established a claim.

For this reason many cases which are often loosely referred to as having been settled by arbitration, do not really fall under this category. There is, for instance, a radical distinction between reference to a mixed commission in which the two parties are equally represented, and real arbitration, for when the former procedure is adopted, each of the Governments concerned knows that an adverse decision cannot be given against it, except with the consent of at least one of its own representatives. This gives strong security that the decision will not be influenced by political prejudice, and that the commissioners will not be guided by rules of law which are not recognized by one or other of the contending parties. This procedure, therefore, avoids the danger to which the British Government have always been very sensitive, that they may find themselves in the position of being compelled to surrender interests of real importance, by virtue of a judgment, the justice and impartiality of which is not convincing. This, for instance, is the procedure which was adopted in the Penjdeh dispute, which is often but incorrectly spoken of as having been settled by arbitration. The very serious boundary question at issue was settled by a mixed commission of two, and no arbitration was used.[1] For this reason, also, it does not seem strictly correct to say that the Alaska boundary was settled by arbitration. The court on this occasion consisted of six members, three appointed by each of the parties, and an award was only secured owing to the fact that the British representative, Lord Alverstone, gave a verdict adverse to the British claims. The fact that he did so might well appear incontrovertible evidence that these claims were legally not well founded, but there was clearly a fundamental difference, from the point of view of the British Government, between referring the case to a court so constituted and referring it to one in which the award would have been determined by the judgment of one or more neutral and foreign judges.

With this definition in our minds we can now proceed to a more detailed analysis of past arbitrations. In doing so we shall have to concentrate on two points: first, the nature

[1] See below, p. 29.

of the subjects submitted to arbitration; and secondly, the nature of the arbitral procedure itself. As we shall see, the two are very closely interwoven, for the machinery which has been developed under the existing system of voluntary arbitration gives to the interested States the opportunity in each case of exercising very stringent supervision over the precise formulation of the subjects which are referred to the court; in other words, even after they have accepted the principle of arbitration, they have the power, which they have always freely used, of refusing to include in the reference points which they do not consider suitable.

The great majority of past arbitrations deal with two clearly defined groups of subjects, namely, private claims and boundary disputes. In each of these there has been accumulated a mass of experience which is sufficient to justify important and useful general conclusions.

Private Claims

The cases that deal with private claims are very numerous; they arise when private individuals or companies represent to their Government that they have suffered injustice at the hands of a foreign Government. If there is sufficient *primâ facie* evidence that the complaint is well founded, then the Government takes up the case, and it becomes the subject of direct negotiations between the two Governments. Claims of this kind are in the majority of cases of no particular moment; the issues at stake are often small and no political principles are involved. They fall in general under the following headings: (1) Pecuniary claims for failure to carry out a contract made by a Government, or to pay a debt due for work done or services rendered, of which the most important is the Anglo-American suit against the Portuguese Government about the Delagoa Railway of 1890; (2) denial of justice by the courts in a suit instituted by an alien resident against a native; (3) claims for compensation due for injury to property or persons, or for illegal detention.[1]

[1] Claims of bond-holders for non-payment of interest are not included, for the British Government have generally given it to be understood that they are under no obligation to help in the recovery of money which has been lost in consequence of a perhaps speculative investment in foreign Government loans. There has, of course, been intervention, as in the classical cases of the Turkish and Egyptian bond-holders, but the procedure adopted has been quite different from that usual in other private claims, and save for the exceptional case of Venezuela, there has been no recourse to arbitration. The whole matter is one of

In this matter of private claims the British Government have had great experience, greater than that of any other country, not excluding the United States, and it is very largely due to British initiative and British co-operation that there has accumulated a mass of evidence and experience sufficient to establish the broad general principle, which is now nearly universally accepted, that unless there is some exceptional objection, all such claims should be referred to arbitration at an early stage. It was natural enough that Great Britain should take a leading part in this movement. These private claims most often arise in undeveloped States where there is chronic disorder, where revolutions are common, and where the authority of the Government is weak. They hardly ever arise from events which have taken place on the continent of Europe; claims against a European State nearly always have to do with colonial possessions or incidents at sea. There is, however, no part of the world, however disorderly, where British merchants, traders and industrialists are not to be found, and the general principle, that they shall enjoy the protection of the British Government in their lawful enterprises, is of paramount importance to British industry and trade. Just for this reason there is no country which has so strong an interest in bringing about a peaceful and regular method for dealing with such disputes.

The historical record is conclusive. In the earlier years arbitration was rare, and if used at all was only resorted to at a comparatively late stage. Serious inconvenience resulted. A British subject had, for instance, a private law suit with a Portuguese subject of wealth and influence. He brought it before the courts; year after year elapsed without his being able to obtain a final and decisive verdict; when one was given in his favour, it was then over-ridden owing, it was suggested, to political influence. British ships were seized and subjects attacked, thrown into prison, and detained for some months by colonial authorities on what appeared to be an unjust charge. A British subject resident in Peru during a time of revolution, in 1863, was imprisoned and his property confiscated on a charge of complicity in the revolutionary move-

great difficulty and importance because of the large sums of money sometimes at stake, and, as in the case of Egypt, intervention has led to very serious political consequences. Especially difficult are those cases in which the default of the Government is due not merely to lack of funds, but in which there has been an open repudiation of liability, as by the Soviet Government in Russia, but this cannot be dealt with here.

ment, which he denied. Numerous similar charges were made against the Government of Venezuela for breach of contract, for non-payment of debts, and for interference with property and personal liberty. In each case the British Government, assuming that there was *primâ facie* cause to believe the claim well-founded, took it up and made official representations. Often enough these were ineffectual; the other Government either denied liability, contended that the facts represented were untrue, or simply failed to do anything. Exaggerated points of honour were raised; the Government would contend that it was derogatory to it that the actions of its officials or the decisions of its courts should be submitted to investigation and possible censure. In this matter the British Government were not always free from blame, as, for instance, when they contended in a well-known case that it was contrary to their honour to recognize that young naval officers, while returning from an evening party in civilian dress, might under the influence of drink have been guilty of disorderly conduct.[1] Intolerable delays often ensued; twenty or thirty years went by and no decision was reached; it became necessary either to drop the case or to proceed to more forcible measures. Sometimes the British Government did not think the claim worth pursuing, but were forced by popular agitation or discussion in Parliament to do so, as when Mr. Headlam, in 1867, moved an amendment to the address because the Foreign Office wished to drop the claim of the *Mermaid*, which had been shot at and sunk by a Spanish fort on the grounds that it had failed to comply with certain port rules. Resort to forcible measures, such as the seizure of ships, the establishment of a blockade, the breaking off of diplomatic

[1] In 1873 the United States refused a proposal of the Spanish Government that the case of the *Virginius* should be submitted to arbitration on the ground that the subject was one of national honour, 'of which the nation must be judge and custodian'. There had no doubt in this case been a very grave offence by the Spanish authorities in Cuba, who had seized an American ship on the high seas, and under martial law tried, condemned and executed some fifty of those on board, of whom a considerable number were American citizens and British subjects; their justification for this action was that they were, in fact, guilty of piracy. It eventually emerged that the *Virginius* had no right to use the American flag; her papers had been obtained fraudulently, and she was not American owned. The United States insisted that their claims should be carried out, and an indemnity of 80,000 dollars was paid by the Spanish Government. Looking back, it appears as though the matter was one which might well have been dealt with by arbitration.

relations, as in the case of Brazil, Venezuela or Greece, was most unsatisfactory. It might well be, and often was, from the mere monetary point of view, more costly than the claim which it was intended to enforce. Moreover, what was originally a small private matter was expanded until it assumed serious and even dangerous political proportions. It put us in an invidious position; it might easily appear to be an unjustifiable abuse of power. Sometimes, indeed, there may have been justification for this charge. More often it was the other way about. It was the powerful State which required protection from the unjustified action of a weak and irresponsible Government. The greatest disadvantage was that under this procedure we were compelled to demand satisfaction for claims which had not been thoroughly tested. The British Government was not in a position itself to test them; it could not call evidence; it could not have a formal inquiry; it could not thoroughly investigate either the statements of the complainant or the case of the defendant. It was therefore natural enough that sometimes, when after long and acrimonious discussion extending over many years, the case was eventually brought to arbitration, it was decided that the claim was either ill-founded or very much exaggerated. The classical instance is that of Don Pacifico in 1850.[1] He claimed damages on the ground of loss of property in a riot, and denial of justice. The British Government pressed his claim; when it was refused they resorted to seizure of ships and blockade; small in itself, the case, because of the attention it attracted, became of real political importance; it led to diplomatic intervention by Russia and France; in the end, owing to their insistence, it was referred to arbitration, and the court awarded to Don Pacifico, who had claimed over £20,000, the sum of £147. Nobody can now doubt that it would have been wiser to submit this case to arbitration at an early stage, and the experience gained on this occasion is certainly one of the reasons why later Governments, in order to avoid being entangled in so unfortunate a situation, showed themselves more and more ready to demand arbitration.

Among the most instructive cases is that of the establishment of a mixed commission by the treaty of the 8th February, 1853, between the United States and Great Britain. To this commission were to be referred a large number of claims made by both Governments on behalf of private individuals, who represented that they had incurred unlawful loss and damage.

[1] See Darby, *International Tribunals*, p. 781.

These claims were of various kinds. A considerable number were connected with the slave trade; ships sailing under the American flag had been seized and condemned by British cruisers on the ground that they were in reality occupied in this trade. Others arose out of fishing disputes off the coast of Newfoundland and Nova Scotia. In all cases the claims were of a small amount; it does not appear that any vital questions of law were concerned; all that was required was to ascertain the precise facts, to get an opinion based on this examination as to whether there was a liability, and, if so, to assess the damages:

C'est le moment qu'avec une profonde sagesse, les deux grandes nations choisirent pour étouffer entre elles tous les infiniment petits de la discorde, germes obscurs dont la fermentation lente est dangereuse en cas de crise; affaires sans gravité, toutes pécuniaires, plus nuisibles aux particuliers que dommageables aux États, dont quelques-unes avaient été fameuses, mais qui toutes, en ce moment, se trouvaient également atténuées par le temps.[1]

The accumulated experience has been well set out in a memorandum written in 1926 by the legal advisers to the Foreign Office:

> As an instance of the intolerable delay which under present practice usually accompanies the arbitration of such pecuniary claims, it is well to quote the following from a paper written a year ago on the work of the Pecuniary Claims Commission which is dealing with the outstanding claims between this country and the United States:

This commission has up till now decided thirty-four claims. Of these only three were less than ten years old by the time the tribunal gave its decision, the age of the claim being reckoned for this purpose from the occurrence out of which it arose. Of these three, one was seven years old, another was eight, and the third was just under ten. Of the remaining thirty-one claims, the age of twelve claims was between eleven years and twenty; of eleven claims, between twenty years and thirty; of three, between thirty and forty; of four, between forty and fifty, and one was over a hundred, having arisen in 1812 and been decided in 1914.

It is much the same with the claims which are still awaiting decision. One claim arose in 1812, another in 1845. A group of thirteen claims, for a refund of customs duties, arose in 1876; another group in 1895; another group in 1898. With the exception of a group of claims against the Newfoundland Government on behalf of American fishing vessels for violation of Newfoundland fishing statutes, it is difficult to find a single claim still awaiting adjudication which is not earlier in origin than the present century.

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[1] Lapradelle and Politis, Vol. I, p. 662.

> Apart from the injustice of keeping individuals waiting so long for the settlement of claims where such claims are good, the interests of the respondent State are not served by a system under which it is open to it to refuse arbitration for so long as it pleases, but where, nevertheless, circumstances may sooner or later oblige it to agree. The only result is that when the claim does come up for arbitration, the collection of the necessary evidence to rebut it is rendered far more difficult, and the tribunal is frequently prejudiced by the continued efforts to avoid arbitration.

The general conclusion to be drawn was first recognized by the British Government, and Lord Salisbury, in 1896, prepared and communicated to the American Government the draft of a General Arbitration Treaty which, among other things, provided that all pecuniary claims or groups of pecuniary claims 'which do not in the aggregate exceed £100,000 in amount and which do not involve the determination of territorial claims' should be submitted to an arbitral tribunal. The tribunal would be so constituted that it could not fail to issue an award, and the award would be final. This treaty was, for other reasons, of great historical importance; it appears to be the first proposal which had been officially made for a general arbitration agreement, and the only one which was previous to the meeting of The Hague Peace Conference. It is very remarkable that so novel a proposal should have been made by one of so cautious and conservative a disposition as Lord Salisbury. The proposal was accepted by President Cleveland, but it fell to the ground eventually because it did not secure the approval of the American Senate. It was, however, undoubtedly the influence of Lord Pauncefote, who in 1896 was Ambassador at Washington, and to whom had been entrusted the negotiations in regard to Lord Salisbury's treaty, which led the First Hague Conference in 1899 to conclude the convention for the pacific settlement of international disputes; this set up the Permanent Court of Arbitration, and thereby constituted a great landmark in the progress of the machinery of arbitration. The question of pecuniary claims was brought up again at the Second Hague Conference, and in 1907 a special convention was agreed on to the effect that force should not be used until after arbitration had been offered and refused.

These considerations do not apply when assaults on in-

dividuals or their property are systematic, deliberate, or show a political object, and they affect only disputes between fully civilized States. When there has been an assault on a person or destruction of property in a country in which a practical state of anarchy exists, or which does not recognize the principles of peaceful intercourse now generally accepted, it will often be necessary to demand and enforce immediate redress without waiting for any full judicial inquiry. This is why in the past arbitration has never been used in connexion with the offences against Europeans in China, even where definite rights have been secured to them by treaty; some, at least, of these episodes, as, for instance, the seizure of the *Lorcha Arrow*, which was one of the cases which brought about open warfare, would have been particularly suitable for judicial inquiry, inasmuch as it turned on obscure points of law and of fact. It was, however, impossible for any European Government to accept the position that its subjects should be dealt with under the Chinese Law, which, in the case of a murder, required indeed an equivalent sacrifice, but was not concerned that the person punished should be actually guilty. None the less, looking back now there can be little doubt that it would have been to the advantage of both parties that whenever possible the facts should have been elucidated and the damages assessed by an impartial tribunal.

Private claims are, however, not always so simple. It has often happened that the claim for redress by a private individual or individuals has been the particular manner in which differences of great importance between the two Governments have been brought to a definite issue: the verdict on the justice of a private claim may become, therefore, a legal decision on a question of the highest public importance. This applies particularly to the whole question of the rights and obligations of neutrals during war. It first arose in 1798, when American seamen claimed compensation for illegal seizure by British cruisers under Orders in Council; there were similarly adverse claims by British seamen for the seizure by privateers which had been illegally equipped for the service of France on American soil. In fact, also, the *Alabama* claims were of this nature. It is clear that it would be impossible for the British Government, without very careful consideration, to submit claims of this kind direct to an arbitral court, for by doing so they would in effect be submitting the validity of Government action, as expressed by Orders in Council and

also decisions of the Court of Admiralty, to the judgment of a court which would not improbably be influenced by rules of law not recognized by this country. The matter is of fundamental importance and is discussed later in connexion with the *Alabama* case.

Boundary Disputes

If we turn from private claims to disputes arising directly between governments we find that the greater number of arbitrations have to do with questions of frontiers and boundaries. In this connexion it is to be noted first, that such arbitrations are almost exclusively concerned with colonial territories, especially the fixing of boundaries in countries which have not been adequately explored and mapped; secondly, that the great territorial problems have not been settled by arbitration but by war or diplomacy, and that arbitration has been used only with regard to secondary and comparatively minor matters which have arisen in the interpretation or application of the governing treaties embodying the terms of the diplomatic settlement. Arbitration was, for instance, frequently used in determining the frontier between Canada and the United States; the main outlines of the frontier were, however, set out in the Treaty of Peace of 1783, and, as far as the western frontier, the Oregon question, is concerned, in the treaty of 1846. The situation had been extremely serious; by putting forward a claim for all territory up to the parallel 54·40, the United States had, in effect, threatened to cut off Canada from access to the Pacific. This question, involving as it did decisions vital to the whole future of the British Colonies in North America, was never submitted to arbitration. The matter was dealt with under the ordinary diplomatic procedure, by direct negotiations, and a compromise was arrived at by which the parallel of 49 was accepted as the frontier. It was by diplomacy and not by arbitration that war, which had been imminent, was avoided. Only at a later stage was arbitration used, when the comparatively minor question of San Juan was in 1871 submitted to the arbitration of the German Emperor. The celebrated Alaskan Boundary Commission of 1903 had also to deal not with the major but with the minor point. The major point had been settled when the Government of the United States acquired the territory of Alaska by purchase from Russia and when the British Government, who well might have challenged this act, not on the ground that it was illegal, but that it was of

grave prejudice to Canada, acquiesced without protest. Many years afterwards the details of the boundary, which were obscure, were settled by a Mixed Commission.[1] During the negotiations by which the continent of Africa was divided between the European Powers, in every case the major territorial question was settled not by arbitration but by negotiation and treaty. Arbitrations, of which there have been several, have been subsequent and secondary, dealing only with quite minor points. For instance, the German acquisition of territories in South-West Africa was a political act of high importance; though the British Government long delayed their recognition, no suggestion was ever made that this question should be referred to arbitration. Only after recognition had been given was arbitration used in 1870 with regard to a subordinate dispute as to the frontier between the German and the British possessions in the neighbourhood of Walfisch Bay. In the same way, after the British advance to the North, the war with Lobengula and the annexation of Mashonaland, grave difficulties arose with Portugal regarding the extent of Portuguese sovereignty. These differences were settled by the treaty of 1891; they were not submitted to arbitration. In this treaty, however, clauses were inserted to the effect that difficulties in regard to its interpretation and application should be reserved for arbitration, and in accordance with this provision there followed two arbitrations with Portugal concerning the Manica and Barotse territories similar in nature

[1] This mixed commission was not really an arbitral court for, as the commission consisted of six members, three appointed by the American and three by the British Government, neither side could find itself in the position of having to accept an award which it believed to be unjust. The boundary questions between Great Britain and the United States, which are generally included among those which have been dealt with by arbitration, are seven in number. Of these there are only two in which complete arbitral procedure was successfully adopted, namely, the St. Croix River, which was referred to a mixed commission of three, which issued their award on the 25th October, 1798, and the San Juan Water Boundary which, a mixed commission of four having disagreed, was referred to the German Emperor as arbitrator; his award was issued on the 21st October, 1872. Three, the Passamaquoddy Bay, the River and Lake Boundary, and the Alaska Boundary, were referred to mixed commissions, in the first two cases of two, in the last of six, all of which issued an award. The North-Eastern Boundary question was, after a mixed commission had failed, referred to the King of the Netherlands as arbitrator; his award was not accepted and the dispute was finally settled by the Webster-Ashburton Treaty of 1842. In the same way, the Lake and Land Line Boundary, a mixed commission of two having failed to agree, was settled in the same treaty.

to two previous arbitrations with that country, both of which dealt with questions of quite subordinate importance.[1]

Among frontier arbitrations one of the most celebrated and most instructive is the well-known conflict between Great Britain and Venezuela over the frontiers of British Guiana, and it is worth while putting the facts on record. The claim advanced by the Venezuelan Government, based, as it was, on early documents fixing the frontiers between the Dutch and the Spanish Colonies, was of such a nature that it was quite conceivable that an arbitral award based purely on these documents would have deprived Great Britain of a considerable portion of the colony over which she had in fact exercised sovereignty for many years, and which was in the occupation of British settlers. This, then, was in effect not merely a frontier, but a territorial problem of a large scope. Just for this reason the British Government, notwithstanding the insistence of the United States, always refused to allow the case to go to arbitration in such a form that the award might conceivably have deprived them of this territory. They proposed to get over the difficulty by making it part of the instructions to the arbitrator that fifty years' actual occupation should be considered as giving full title. At first Mr. Olney, the Secretary of State at Washington, strongly opposed this suggestion; eventually, however, after much correspondence, he withdrew his objection, and in consequence, in the treaty of February, 1897, by which the reference to the arbitrators was formulated, a clause was included providing that—

> Adverse holding or prescription during a period of fifty years shall make a good title. The arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding or to make title by prescription.

In this way Lord Salisbury was successful in that which he had throughout consistently maintained, that he could not consent to the risk of alienating, in consequence of an arbitral

[1] Among boundary disputes which were not, but might well have been, submitted to arbitration, may be mentioned the frontier dispute in 1906 between Great Britain acting for Egypt and the Ottoman Empire regarding the frontier of the Peninsula of Sinai. The points at issue were to a large extent the interpretation of decrees issued by the Ottoman Government determining the frontiers of the Khedivate of Egypt, but the British Government in this case preferred the method first of remonstrance, then of an ultimatum, supported by the movement of ships.

award, districts which had long been regarded as British possessions. The reasons he gives for his action are instructive :

> The claim of Venezuela is so far-reaching that it brings into question interests and rights which cannot possibly be disposed of by an unrestricted arbitration. . . . It covers two-thirds of the Colony of British Guiana ; it impeaches titles which have not been in question for many generations. . . . The view of Her Majesty's Government is that where the matter in issue is of great importance and involves rights which belong to a considerable population and are deeply cherished by them, special precautions against any miscarriage of justice are required.

For our purpose the essential thing is to note that it was not by arbitration but by diplomacy that the difference between the British and the American Governments (which was much more serious than that with Venezuela itself) was settled, for the difference had been, not as to whether or not there should be arbitration, but as to the limits and the scope of the arbitration. Of course, it would be possible to criticize Lord Salisbury's attitude and to maintain that if, as is the case, international law recognizes no time limitations to claims and no right of prescription to occupy territory, this is a grave omission which should be rectified. But surely at the present time it would be impossible to impose a general rule with regard to this question, and every legal decision by a court must have in it some element of a general rule. We may eventually come to a state of things where such a general rule may be agreed on ; at present all that can be hoped is that in an individual case a definite period can be fixed, but this period must be one which quite clearly in no way constitutes a binding precedent, and for this reason it is better that it should be reached by agreement between the parties concerned and not be included in the questions referred to the arbitrator.

In regard to boundary questions as well as to private claims, it seems possible then to reach a positive conclusion. Arbitration has established itself as having a very definite and practical value, but its application is strictly limited. It has not been applied in the past to the great territorial problems by which States have been divided and which in some cases have led to war ; these are settled either by war or by diplomacy ; in both cases the decision is incorporated in a treaty.

Arbitration is used only in minor matters regarding the fixing of boundaries when difficulties arise in the application or interpretation of the treaty.

We can now pass on to the consideration of a few selected arbitral cases which, for different reasons, are of special interest or importance.

Behring Sea Seal Fishery (1892).

The case of the Behring Sea Seal Fishery presents an interesting example of an attempt to use the arbitral method for purposes to which it is not well adapted. The first duty of the arbitrators was to decide certain important legal questions ; they had to give a ruling on the law ; this having been done, pecuniary claims of the private persons (Canadian fishermen) who had suffered by what was decided to be the illegal action of the Americans, were referred to a separate arbitral commission. In addition, however, the arbitrators were asked to propose new regulations for the conduct of the fisheries in the future, which the two parties bound themselves in advance to accept. They therefore drafted new regulations, but these proved in practice to be unsatisfactory ; they did not prevent the destruction of the seals continuing, and eventually they were superseded by a new agreement voluntarily arrived at by all the parties concerned, not only Canada and the United States, but also Russia and Japan. The illustration is an important one, for it shows that a court which is very suitable for determining a point of law is not equally capable of devising a scheme for future administration, for such a scheme will probably require technical knowledge and administrative experience which a judicial authority does not possess. And yet agreement on some such scheme may be an essential corollary to an arbitral decision on the law ; it is not sufficient for the permanent settlement of a political dispute that the existing law should be clearly laid down, for often, as in this case, the maintenance of the law is from the practical point of view undesirable ; it is necessary to draft a new law. Arbitration can do the one, it cannot always do the other, and, for this reason, especially on the real questions of large interest by which nations are divided, arbitration alone cannot be depended upon to provide a permanent and satisfactory settlement. Arbitration, in fact, is one step towards a settlement ; it clears the ground by eliminating doubts as to the legal position and as to questions of fact. But this is only one part of the process, for the permanent

settlement requires not only a determination as to the law, but a means of changing the law.

The Dogger Bank (1904).

On no occasion has the real value of the arbitral method been better shown than in connexion with the Dogger Bank incident. On the other hand, it is most misleading to suggest, as is often done, that 'the difficulty was settled and war averted by arbitration'. This is the exact reverse of the truth; it might more justly be said that the insistence of the British Government on an international inquiry made a peaceful settlement appreciably more difficult and might well have brought about a rupture. Briefly stated the facts are as follows. The Russian Government, as soon as they heard of the incident, hastened to offer their formal regret and full reparation for the injury done. For a moment it seemed as though this would end the matter. The British Government, however, insisted that in addition it was indispensable that a searching inquiry should be instituted in order to fix the responsibility and assign the blame; after this inquiry had taken place the Russians themselves must punish the officers who were found responsible and culpable. Lord Lansdowne also suggested that such an inquiry, which ought to be of an international character, could most conveniently be entrusted to The Hague Court. The real difficulty was in persuading the Russians to accept such an inquiry. They showed considerable reluctance to allow the conduct of Russian officers to be adjudicated on in this manner. It was undoubtedly due to the influence of France, who, for political reasons, was most anxious to avoid a war between England and Russia, that the Tsar accepted the proposal. But for this, the Russians might well have stood out on the point of honour and a war might have broken out, the immediate occasion for which would have been the difference as to whether the Arbitral Court should be empowered not only to inquire into the facts but also to assign responsibility and blame.[1]

The real interest of this case is that it affords an important precedent on the vexed conception of 'honour'. The Russian Government eventually consented to submit to judgment and possible censure the action of their highest naval officers. Let

[1] The award of the court contains points of particular interest, for they appear with great discretion to have subordinated the strict record as to the facts to political expediency. (See article by M. de Taube, *L'Incident du Dogger-Bank* in *Le Monde Slave*, June 1927.)

us compare this with what happened in regard to a similar proposal made respecting the frontier conflict between a Russian detachment and Afghans at Penjdeh in 1885. This incident, as will be remembered, threatened to bring about war, but eventually accommodation was reached and it was agreed that the main subject of dispute, the delimitation of the frontiers, should be referred to a mixed commission of two. It seemed desirable, however, in view of the strong feelings which had been aroused, that the actual responsibility for the alleged offensive action of the Russians should be subjected to inquiry. On the 24th April Lord Granville wrote to M. de Staal:

> If the Russian Government believe that the natural inclination which both Governments must feel to place confidence in the statements of their respective officers creates an unavoidable obstacle to coming to a just decision, they would be prepared, in their anxiety for the preservation of friendly relations, to meet the difficulty by referring to the judgment of the head of a friendly State the question, whether the agreement of the 16th March was or was not departed from either by the Russians or the Afghans, and to decide how the incident can be closed in a manner consistent with the honour of Great Britain and Russia.

The proposal was not welcomed by the Russian Government: the Emperor 'attached such importance to the point of military honour that he did not think any question would be admitted as to the conduct of the Russian military commanders; even supposing the principle of an inquiry were admissible, there seemed no one to whom the decision could be entrusted except the Emperor of Germany, who certainly would not consent to undertake the task'. The British Government maintained their view, and intimated that they would be willing to accept the German Emperor as arbitrator, and they believed that it would be difficult for him to refuse if asked by the two Governments. The proposal, however, seems ultimately to have been dropped and no actual arbitration took place.

1904 shows, then, a great advance over 1885. A further stage is reached when in 1908 the French and German Governments referred to an arbitral inquiry the very serious collision which had taken place at Casablanca in Morocco between a German consular agent and the French military commander. It was an occasion on which both sides might, and probably under other circumstances would, have appealed to the point of honour. Fortunately, the incident occurred at a time when the relations between the two countries were for the moment comparatively friendly, and when, also, in consequence of the grave situation in Eastern Europe, both

Governments wished to keep themselves free to exercise a moderating influence in the controversy which had arisen between Russia and Austria over the annexation of Bosnia and Herzegovina. The two Governments therefore agreed to submit all the facts to an impartial court of inquiry, which should have the right of apportioning blame and responsibility, and they mutually agreed, before the inquiry took place, each to express regret for any matter in which its officials had been to blame. It would be very difficult in the future for any Government, with these precedents before it, to refuse arbitration merely on the point of honour.[1]

The 'Alabama' Claims (1871).

Among the earlier cases that of the *Alabama* claims is still of outstanding interest and importance, not only on account of the public interest it aroused at the time and the great stakes involved, but also because of the light which it throws on the nature, the value and the limitations of the arbitral procedure, as the following brief account will show.

The grievances of the United States against the British Government were first, that they had hastily, prematurely and in a spirit of hostility, recognized the Southern States as belligerents at sea. It was this which beyond all else was the cause of the great animosity felt in America. Secondly, they charged the British Government with grave neglect in permitting the *Alabama* and other cruisers to be fitted out and despatched from British ports, and, in consequence, claimed pecuniary compensation for the loss and damage caused by the action of these cruisers. The compensation was divided into two heads: (*a*) that due to the private owners of ships which had been seized or sunk illegally; (*b*) what were called the indirect claims, the damage done to the United States as a nation owing to the consequent prolongation of the war, the naval operations necessary for defence against these cruisers, and the loss caused by the injury done in a general way to American commerce. From the beginning the American Government demanded that the *whole case*, including all these different points, should be submitted to arbitration.

In the first stage Lord Russell peremptorily refused arbitration on any of these counts:

> Her Majesty's Government are the sole guardians of their own honour. They cannot admit that they may have acted with bad faith

[1] See below, p. 40.

in maintaining the neutrality which they profess. . . . They must therefore decline either to make reparation and compensation for the captures made by the *Alabama* or to refer the question to any foreign State.[1]

In this he clearly went too far, and the position he took up could not be maintained. As Mr. Adams pointed out in reply, he was in effect asserting 'that a neutral Power is the sole judge of the degree to which it has done its duty under a code of its own making', that it was the only judge of its own actions, and that there was no international law protecting the rights of neutrals. If this principle were generally adopted, then, in any future war, neutral ports would become the centres from which the most effective and dangerous enterprises against the commerce of belligerents might be contrived, fitted out and executed. He clearly intimated that if this was to be the law, then, on any future occasion in which Great Britain was at war, the whole enterprise of the most adventurous and least scrupulous portion of American citizens would be attracted by the great field of activity open to them, with results which would undoubtedly be disastrous to British commerce. Public opinion in America was openly looking forward to the time when a war would break out between Great Britain and Russia; they would then have an opportunity for reprisals.

Public opinion in this country was in consequence seriously alarmed; it was seen that Lord Russell had allowed himself to put forward a doctrine which might be disastrous to this country if adopted elsewhere. Moreover, the position he assumed was quite inconsistent with our action during the French wars, when we had brought claims for unneutral action against America, which had been submitted to arbitration and allowed.

In consequence, as soon as Lord Russell left office, the attitude of the British Government changed, and they intimated that they were willing to come to an agreement with regard to the private pecuniary claims against the *Alabama*, &c., either by means of a commission, or even arbitration. As Lord Stanley said:

I have never concealed my opinion that the American claimants, or some of them at least, were very likely to make out their case and get their money. To us the money part of the affair is inappreciably small.

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[1] *Official Correspondence on the Claims of the United States in respect to the 'Alabama,'* p. 147.

On the other hand, he and his successors, Lord Clarendon and Lord Granville, continued their refusal to submit the whole case to arbitration, as the Americans required. In particular, they maintained their position that the recognition of the Southern States as belligerents at sea was a purely political act, the expediency and justice of which could not be submitted to any court, and they also refused to consider the indirect claims. At this stage the British Government had come round to the position that they were willing to accept partial arbitration; the Americans still demanded unlimited arbitration.

Another difficulty, however, arose. If there were to be arbitration on the limited claims, this would involve a decision of the court as to the law governing the rights of neutrals. The British Government still maintained that their obligations were limited to carrying out loyally and completely the Foreign Enlistment Act, which was the law of the land at the time when these events took place. The Americans, in effect, maintained that this was not sufficient; in a matter of this kind international law superseded municipal law, and the court must decide what the international law was; if this were conceded, there would be entrusted to it what was in fact a very far-going legislative function.

This difficulty was eventually got over in a very instructive manner. The British Government, recognizing that the Foreign Enlistment Act of 1821 was defective, altered their own law and brought in a new Foreign Enlistment Act in 1870. By doing this, they recognized in principle the justice of the American contention that the earlier Act was insufficient; they then proceeded further, and, in agreement with the American Government, laid down the three celebrated 'Washington Rules',[1] which the two nations agreed should henceforward, as between themselves, be the law, and the adoption of which they agreed also to recommend to all other States. More than this, the British Government agreed that these rules, though they had not been in force at the time, should be the rules which the proposed court of arbitration should adopt for the purposes of its decision. In this way the fundamental legal point was not left to the decision of the court, but was agreed upon directly by diplomatic discussion. Further, the American Government tacitly dropped the point about the recognition of the Southern States, and though in presenting their case they used it as evidence of

[1] See *State Papers* (1870–1), Vol. LXI, p. 43.

the hostile attitude of the British Government and nation, it was not referred to the arbitrator and no decision on it was asked for. Lastly (on this point there was a good deal of misunderstanding, which need not detain us here), the indirect claims were in effect withdrawn.

These points having been all agreed, the case was eventually referred to arbitration, but the case as referred was very different from that which the Americans had first put forward. All that the arbitrators had to do was to decide whether the British Government had shown due diligence in carrying out the Foreign Enlistment Act and the agreed rules, and, further, if there had been neglect, to determine the amount of compensation which should be paid. From this it emerges that the really important points, the differences which had at first been a real danger to peace, were settled, not by arbitration, but by agreement, and from the political point of view the principal document is not the decision of the arbitrators, but the *compromis* or agreement in which the reference to the arbitrators was embodied.

This statement applies not only to this particular arbitration but is of general truth. The importance of the point cannot be overestimated. After it has been agreed to refer some particular subject to arbitration, there then follow the negotiations for drafting the reference. Until these negotiations, which are themselves of a diplomatic character, have been completed, arbitration cannot take place. This machinery provides a guarantee that when a country such as Great Britain consents to arbitration, it will not find itself in the unsatisfactory position of undertaking to carry out an award the scope and nature of which is ill-defined ; there will be a precise definition as to the points, whether of law or of fact, or of proposals for the future, on which the decision of the arbitrators is requested. Every outstanding case in the past shows the importance which the British Government have attached to this, and the real controversy which has arisen has generally been, not as to whether or not there shall be arbitration, but as to the limitations in the reference.

But if there were compulsory arbitration the situation would be completely changed, for it is the essence of compulsory, as distinguished from voluntary arbitration, that if a previous arrangement has not been arrived at, the duties of the arbitrators shall be extended to drafting what is called the *compromis*. If, for instance, in the *Alabama* case, compulsory arbitration had been in existence, then it would have

been open to the United States to force Great Britain into arbitration at an early stage of the controversy, and if no agreement was reached between the two countries as to the terms of the *compromis*, this would have had to be settled by the arbitrators themselves. The British Government would therefore have been forced, if the arbitrators had so decided, to submit to their judgment just those points which they insisted throughout could not be submitted to arbitration. In the same way, under a system of compulsory arbitration, the requirement of the British Government in the Venezuelan case, that fifty years' adverse possession should be construed as giving a full title, would not have been agreed on beforehand by the parties, but would have been left to the determination of the court, and it is conceivable, though perhaps not probable, that the court might have disallowed the contention and have awarded to Venezuela districts which had for two generations been in the occupation of British settlers and under the *de facto* administration of the British Crown. This is not the place to discuss whether such a change would be desirable ; all that is necessary is to point out that for these reasons compulsory arbitration would in reality be quite different in character from the present existing system of voluntary arbitration. It is doubtless a recognition of this fact which influenced the American Senate when in 1904 they determined that each recourse to arbitration, including, as it did, a treaty determining the points on which a decision was required, must be separately and expressly approved by them.

It will be objected that the essential thing is that questions of this kind should be governed by a known and ascertained law, and should cease to be a field for the wayward will of individual Governments ; the only way of ensuring peace is that, so far as possible, international relations should be subject to laws which all know and all are obliged to obey. This is true enough, and this is what all desire, but the recognition of it must not obscure the great importance of the question as to how the law is to be made. In broad outline there are two methods of legislation : the first is the building up of a system of law based on the writings of approved legalists applied and interpreted by a court ; a judgment of the court becomes a precedent which will bind its successors, and has therefore legislative force. But under this system the States which are the parties concerned would themselves have no part in the work of legislation ; they would be bound by laws which they had not themselves framed. The other

system is that law is made by treaties between States, either special or general. Now, if we consider the great diversity of States, the differences of custom and tradition between Christianity, Islam and the Eastern races, the difference of conditions between a long civilized and settled country in Europe inhabited by people of one race, language and religion, and partially inhabited colonial possessions, often with ill-defined boundaries, in which various races, civilized and uncivilized, white and black, yellow and brown, live side by side, it is easy to see that rules of law arising out of general principles made by learned jurisconsults and judges, in their effort after uniformity may really produce a system which cannot properly be applied to territories of every kind. It is the consciousness of this which appears to be the basis of the objection made to any form of compulsory arbitration by successive British Governments. They have had to deal not only with Great Britain, but with South Africa, the Malay States, the Colony of Hong Kong, with Australia and the Samoa Islands and New Guinea, and they may well shrink from pledging themselves to an unlimited undertaking to submit to arbitration every individual case, knowing that the decision on it may imply principles which will afterwards be applied to very different conditions.

It is for this reason that, although they have been parties to a larger number of arbitrations than any other country, excepting, perhaps, the United States, they none the less have shown such scrupulous care as to the points which should be submitted to arbitration and have in all doubtful cases preferred the diplomatic method, and even when arbitration has been agreed on, have used diplomacy to govern and control the arbitration. At the same time, the record shows clearly enough that the care and caution which they have exercised has not sprung from a reckless spirit of aggression and is not evidence of a preference for decision by war.

The Avoidance of War

If the preceding considerations are correct, arbitration has in the past often played a useful part in the settlement of disputes ; it has become an indispensable instrument in international machinery and, in the future, it will certainly be more frequently used, while the procedure will be regulated and stereotyped. But, on the other hand, it would be easy to exaggerate its importance in the avoidance of war. It has generally been used in matters of minor or secondary import-

ance and, even where it has been most successful, investigation seems to show that first of all a definite decision has been made by the two States in controversy that it is for their common advantage that a peaceful settlement should be arrived at. This is essential. When this condition has been obtained, negotiations are pursued in a more favourable atmosphere ; it is found possible by the ordinary methods of diplomacy, sometimes with the mediatory efforts of a third Power, to settle most of the points in dispute by agreement and negotiation. There will, however, from time to time emerge definite and clear issues, either of fact or of law, on which further assistance is required. These, and these alone, are submitted to arbitration.

Any investigation will, however, be misleading which is confined to those episodes in which arbitration has been used. Working on such narrow lines we cannot form a just appreciation of the efforts made in the past by the British and other Governments to arrive at a pacific settlement of disputes. We must include in our survey international controversies which have been peaceably settled without arbitration and also those in which war has resulted. A complete survey of this larger question is, of course, impossible within the limits of this essay ; it would involve nothing less than a consideration of the whole history of the last hundred years. It may be useful, however, to call attention to a few selected cases which present points of special interest.

The Caroline Islands.

Perhaps the most successful instance of the avoidance of war by a timely appeal to arbitration is to be found where we should have least expected it. In 1885 Prince Bismarck proposed that the controversy between Germany and Spain with regard to the Caroline Islands, which threatened to involve the two countries in war, should be settled by the arbitration of the Pope. His reason for doing so was that, though he held that Germany had a good case, and if her claim to the islands were refused there would be ample justification for war, none the less he had decided that the acquisition of the islands was not worth a war. Spain would not and could not give way, for surrender on her part would have involved the fall of the monarchy, and this would have been unwelcome to Germany as to most other continental States. Bismarck, therefore, with great political skill, used the offer of arbitration as a dignified method of retreat, while at the same time, by

suggesting the Pope as arbitrator, he strengthened his position at home. He seems to have assumed that the Pope would decide for Spain, not necessarily on legal grounds. Spain agreed to accept the reference to the Pope, but on condition that he should act not as arbitrator but as mediator. The Spanish Government would not, in fact, put themselves into a position that would compel them to accept an adverse award. On these conditions the Pope, on the 22nd October, 1885, issued what he called proposals, not an award, and he speaks of himself not as an arbitrator but as a mediator. His decision was that the sovereignty of Spain over the Caroline Islands, which Germany disputed, should be affirmed, but he recommended that the Spanish Government should establish a regular administration in the islands and should grant to Germany full freedom of commerce, navigation, fishing and the right to establish a naval and coaling station and to make plantations in the islands. Thereby the dispute was amicably settled. The case is of great interest as showing both the value and the difficulties of arbitration.

Cuba and the United States.

In the case of the Caroline Islands the offer of arbitration afforded a method of dignified retreat ; a similar object might have been attained had it been used to settle the long-standing controversy between Spain and the United States regarding Cuba. In 1898 a situation had arisen in which it was obvious that the United States, who were less conciliatory than the Germans because their vital interests were more closely affected, would insist on their demands for the autonomy, if not the independence, of Cuba, and what amounted practically to an ultimatum was presented at Madrid by General Woodford. The Spanish Government itself then approached the Powers unofficially with a request that ' they might offer their advice to Spain and the United States to arrange the conflict by accepting an arbitrator '. The Powers did not, however, act on this suggestion, and confined themselves to presenting collective notes at Washington and Madrid and expressing their hope that peace might be maintained and order restored in Cuba. At the instance of the European Powers, apparently Austria and Germany, the Pope then caused inquiries to be made at Madrid whether they would accept his arbitration ; it seems to have been understood that the acceptance of the offer would have been on the basis that this would afford the Spanish Government an honourable method of acquiescing in recog-

nition of Cuban independence; the answer of the Spanish Government was unfavourable; they now seem to have held that the loss of Cuba, even as the result of an arbitral award, would have been looked upon as a humiliation and would inevitably have led to revolution; to this they preferred war, which, in consequence of the strong popular feeling in America, increased by the sinking of the *Maine*, had, in fact, become almost inevitable. Of course, the facts connected with the sinking of the *Maine* could have been referred separately to an international arbitral inquiry, and this would have been highly preferable to the separate American and Spanish investigations which took place. Even had this been done, it would have left the fundamental issues untouched.

The Balkan War.

There is one outstanding case in which an unnecessary and disastrous war might and should have been avoided by the method of arbitration—the second Balkan war of 1913. By the Treaty of Alliance between Bulgaria and Serbia, it had been definitely provided that the Tsar should be asked to act as supreme arbitrator in regard to the partition of territories which might be conquered from Turkey, and the future frontier between the two States. None the less, war broke out on this territorial question, the Bulgarians having resorted to violence without waiting for his decision. It is of interest to note that at an earlier period a suggestion had been made that the Bulgarian and Serbian spheres in Macedonia should be decided by a neutral and impartial commission. In February, 1907, M. Pashitch declared that 'the Serbian Government was so sure of the justice of their claim that they would be quite willing to abide by the decision of a scientific ethnographical commission which should draw the frontier line between Serbs and Bulgars according to language and traditions. The frontier would, of course, not be a very definite one, as the two nationalities, being closely akin, mixed on meeting as liquids do, but an impartial commission would be able to draw a line which would be practically equitable, and such a line Serbia would not hesitate to accept'. Of course, at that time the proposal could not have been carried out, and no notice seems to have been taken of it, but much blood and misery would have been spared if such an impartial delimitation could have been made either then or later. But nothing would be more misleading than to argue that, because arbitration could well have been used to keep the peace

between Serbia and Bulgaria, it could also have been applied to the first Balkan war between the allied States and Turkey, for, as will be pointed out later, this struggle turned on matters of vital and fundamental interest in regard to which no compromise acceptable to both parties could have been permanently successful, still less the award of a court which would almost certainly have checked the just national aspirations of the Christian States.

Serbia and Austria in 1914.

It seems impossible to omit all reference to the Tsar's suggestion in 1914 that the differences between Austria and Serbia should be submitted to The Hague Court, for these differences turned, as did those between the Balkan States and Turkey, on great national ambitions, which were inconsistent with the maintenance, and, therefore, the vital interests, of another State. It is possible that a court of inquiry might have reached a decision with regard to the responsibility of the Serbian nation and the complicity of the Serbian Government in the murder of the Archduke ; it is even possible that they might have framed a judgment on the question whether Serbia had carried out the undertaking made to the Powers in 1909 not to do anything to prevent good relations with Austria, but no award on these points could have permanently removed the causes of friction, for they lay in the fact that the long-standing Serbian aspirations to union with Bosnia and Herzegovina, not to speak of Croatia, were irreconcilable with the interests, and we may say the very existence, of the Austro-Hungarian Monarchy.

From this emerges a recognition of the fact that from time to time in international affairs there arise controversies so fundamental in their nature that submission to arbitration would at the best mean not the avoidance but the postponement of war ; quite possibly it might precipitate a war. These problems require special consideration, and to this we have a useful line of approach. It has become customary to insert in all general treaties of arbitration the proviso that the obligation to arbitrate does not apply to those cases where the honour and vital interests of the States are concerned, and in some cases there have been added to these exceptions 'domestic matters'. This raises the question as to what sort of issues are included under these vague words. In matters of such importance we must not be put off with a phrase ; the suggestion has, in fact, often been

made that the use of these expressions is merely a cynical device contrived by ambitious States in order to keep open their right of resorting to aggressive war for no reason except that they desire to do so.

There is indeed some justification for regarding the conception of 'honour' with suspicion. We have already seen to what abuse it has lent itself in so small a matter as personal claims; the development we have traced from the Penjdeh to the Dogger Bank incident, and from that to the Casablanca arbitration, shows how, within the short space of twenty years, the interpretation of the conception has changed, and it seems not improbable that this development will continue. Honour in the past has been too frequently confused with prestige. It would perhaps be too much to hope that the conception of honour can be entirely eliminated from these discussions; there are and will probably always remain cases in which the honour of a nation in the real sense of the word is involved, as when a nation is bound to protect those who have incurred serious danger as allies and loyal supporters: Great Britain was bound in honour not to surrender the interests of the loyalists who had stood firm during the rebellion of the American colonies, and to secure for them the protection and compensation provided in the treaty of peace: Great Britain was bound in honour to the support of Belgium against the violation of her neutrality, because it was on this condition that the Belgians had reluctantly accepted the limitations to their full freedom of action implied in the treaties of 1839. Apart from this, we may well keep in mind an observation attributed to Sir Stafford Northcote: [1]

> National honour does not consist in never admitting that one is in the wrong, but rather in seeking in all justice to recognize the rights of others as against one's own, and even to go further than strict justice, and in case of doubt to pronounce against oneself rather than for oneself.

It might, indeed, be argued with much force that controversies in which 'honour', as apart from interest is concerned, are just for that reason specially suitable for submission to an impartial court.

The exception as to domestic affairs also need not detain us long, not, indeed, because it is unimportant, for there

[1] Quoted from Lapradelle and Politis, Vol. II, p. 905. I have not been able to verify this quotation, and it is, therefore, retranslated from the French, but the statement is too valuable to be omitted.

is probably no subject which in the future will create so much controversy and difficulty. If, as is to be expected, the Court of International Justice in carrying out its duties gradually builds up a system of international law, it is inevitable that some of the legal principles adopted and the decisions given will lead to a conflict between international and national law, and the claim will be made that international law shall take precedence of national legislation. The greatest danger arising therefrom would be in regard not only to questions of immigration, but also to the whole position of aliens. It might easily involve scrutiny and censure of municipal law as applied to aliens, and quite probably in some countries lead to the condition that aliens would enjoy privileges and securities denied to natives. There have been occasions on which the British Government itself, as in its controversy with Brazil in 1861, put forward claims which, if allowed, would have implied that the municipal law of another country should in its application to aliens be so modified as to be in accordance with English principles of jurisprudence and police administration. An arbitral award might equally well involve fundamental constitutional principles as to the freedom of the press or the right of association, points which in fact were among the issues raised by the Austrian ultimatum to Serbia in 1914. It is difficult to see how, if this controversy had been referred to arbitration, the court could have avoided giving an opinion as to the extent of the control which it was the duty of the Government to exercise over the press and associations. And then there are points such as criticism of the Foreign Enlistment Act, which we have seen would have been subjected to an arbitral decision had the original demands of the American Government been accepted at the time of the *Alabama* claims. For the British Government such matters are of peculiar importance and difficulty, for the territories whose interests they represent are so varied, their internal conditions so different, that the acceptance of a general rule seems to be impossible. There may also be included under this heading the whole question of the relations of the Dominions to the British Government, which, by common consent, could not be submitted to an arbitral court. In this connexion we may refer to the difficulty which arose when in 1897 the point was raised whether the preference granted to British goods in Canada was inconsistent with the most-favoured-nation clause embodied in the Commercial Treaty with Germany. As was immediately

recognized at the time, this was an issue which could not be submitted to arbitration.

The essential question, however, is that of vital interests. Is the conception valid and just ? What are the sort of points which in a reasonable interpretation would be included in it ? Have such points, in fact, in the past been referred to arbitration, and, if not, have they been the cause of a war which otherwise could have been avoided ?

In this matter we are able to turn for guidance to the history of the United States, for that country alone has laid down in unmistakable terms what it regards as the most essential of its vital interests. The Monroe doctrine is, as has often been pointed out, not a rule of law ; it is the statement of a principle of policy which that country has adopted in the past and proposes to maintain in the future. But we have to deal not only with the Monroe doctrine as originally expressed, but also with its later extensions and with similar but less clearly defined principles which had been adopted and carried out even before the Monroe doctrine was proclaimed. No sooner had the North American Colonies won their independence than they determined that the whole area lying between the Atlantic, the Mississippi and the Gulf of Mexico should be included within their political domain ; later, this ambition was extended to the vast territory west of the Mississippi as far as the Pacific Ocean, which was to be exclusively reserved for colonization by American citizens. These ambitions were inconsistent with the established rights of other countries, especially of France, of Spain, and in the south-west, of Mexico as the heir of Spain, and it was not improbable that they might be contested, as regards at least the north-west, by the British Government. In consequence, during the first fifty years of the republic's history, they were the cause of acute friction, which on one occasion resulted in war, and repeatedly led to the gravest diplomatic controversies. On no occasion throughout the whole of this sequence of events was arbitration exercised, though some of the matters at issue, *e.g.*, the boundaries of Florida and of Louisiana, turning as they did on the interpretation of treaties, were apparently very suitable for such a procedure. On the whole circumstances favoured the United States ; Spain was too weak, France too much occupied in Europe, at a later stage Mexico too ill-governed, to interpose any insuperable barrier, while the British Government always showed itself most accommodating and conciliatory. No one can doubt that

had they met with more resolute opposition, no arbitral decision, no apprehension that technically they were acting as 'aggressors', would have diverted the United States from the pursuit of this purpose. They had in mind a great constructive policy, and, if necessary, would at any time have been ready to devote to it the whole of their strength and resources. The real justification for their action is to be found not in the methods by which the country was acquired, but in the use which they made of it. The historian of the future will record that in these vast territories they built up an orderly and effective system of government, and thereby added to the prosperity of the world.

In this sphere they were successful in their endeavours, and, starting from this success, they propounded principles of a wider extension covering the whole of the new world. They were not content to abide by the original meaning of the Monroe doctrine and to assert that the soil of America was not to be subject to colonization by European States; they went further. In 1870 President Grant declared that:

> No European Power can acquire by any means—war, colonization or annexation—even when the annexed people demands it, any portion of American territory.

In accordance with this principle, they committed themselves to the position that the Island of San Domingo might not, even by the express wish of the inhabitants, be reacquired by Spain, that the Island of Cuba should not be sold by Spain to France, that the Danish rights over St. Thomas should not by a friendly agreement be transferred to Germany, that British possessions in Central America and Guiana should not be extended, and eventually, that the building of a canal across the isthmus should be exclusively reserved for American enterprise. Nowhere throughout all these controversies was there a place for arbitration. What good could arbitration have done? No arbitrator could have failed to find that according to all the principles of law, Denmark was fully qualified to cede, and Germany to acquire, the Island of St. Thomas. And every arbitrator must have allowed that Great Britain had full right to recognize the independence of the Republic of Texas and, having done so, to enter into an alliance with it. The question at issue was not one of law or of right or of justice; the contention of the United States was that such an alliance would be contrary to their vital interests and, therefore,

must not take place. We may quote a distinguished American historian :

> A still further extension of the principle is the idea, now generally accepted, that no transfer of American territory from one European Power to another can henceforth be allowed—a proposition that was set forth in the particular case of Cuba as early as 1808. The United States permits the existence of foreign colonies in its neighbourhood, but will resist any changes in their alien ownership ; for such changes would be in the nature of the colonization which it forbids. We may feel sure that it would risk all the hazards of war rather than acquiesce in the sale of St. Thomas to Germany. This might seem to be pushing the doctrine pretty far ; for it would limit the right of free transaction between two independent nations, one of them a world power. Nevertheless, it would not be unprecedented, and might be justified by the importance of the interests involved. The establishment of such a fortified coaling station within a short distance of the American coast would be something which the United States would no more tolerate, so long as it was capable of effectual resistance, than England and France would agree to the transfer from Spain to Germany of the African fortress of Ceuta.[1]

What better illustration could we have of what is meant by vital interests ?

In these matters the United States had a great advantage which has been denied to other countries. The objects they wished to attain were of more importance to them than the denial of these objects to any other country ; no other country, therefore, when placed before the real alternative, was willing to challenge this policy in war. The clear and open enunciation of it was, in these circumstances, a great factor in the avoidance of war. There were, however, occasions on which an attempt was made to extend the doctrine too far, as when President Grant declared that 'the time is not far distant when, in the natural course of events, the European political connexion with this continent will cease', or when Mr. Olney wrote that 'distance and 3,000 miles of intervening ocean make any permanent political union between a European and an American State unnatural and inexpedient'. On this issue they found that they were opposed by interests as great and a will as inflexible as their own, the will of the people of Canada, supported by the British Government. It was a position which could not be maintained and from which they therefore withdrew ; the attempt to include this doctrine among vital interests, to which they might fairly claim the general assent of other countries, failed.

[1] Coolidge, *The United States as a World Power*, p. 112.

With this illustration before us we can now pass on to the consideration of other countries and their vital interests. In our own history we may find numerous illustrations of these permanent principles of policy which in no circumstances are we prepared to surrender, as, for instance, the principle that the Low Countries shall not fall under the dominion of a great naval or military Power. Again, arising out of the obligation to maintain British rule in India, it has always been customary to insist that the States on the northern frontier, Afghanistan, Tibet and Nepal, should not fall under the political influence or the military control of any other great Power—in this case, Russia ; similar is the principle that the naval and political control of the Persian Gulf should be preserved to the Government of India. These principles, like the Monroe doctrine, are long established, openly avowed, and just for this reason they are, in practice, recognized by other countries. And other countries, too, have their vital interests, which they may justly ask that we should respect. For instance, France, that the north-west of Africa should be regarded as her sphere of interest, and that no other power, except Spain, should be permitted to exercise political control, still less to establish settlements there. Or, again, the older policy of Prussia, as set out in the Treaty of Bâle, that Germany north of the Maine should be reserved for her, and that alien or hostile political interests should not be established there. Or, the Russian doctrine, that no other European State should be permitted to acquire political and military control over Constantinople, still less to annex that city and other territories adjacent to the Straits.

Of course things are not always so simple. There is often a real doubt as to what are vital interests ; mistakes are made, the conception is pressed too far, and it is necessary to withdraw, as we have seen the Americans had on one occasion to withdraw. Sometimes circumstances change so that what has appeared to be a vital interest ceases to be one. To this category belongs the doctrine of the closing of the Straits ; in 1856, by the Treaty of Paris, this was pressed too far, and in 1871 we had to withdraw in consequence of Russian action. Later, when by the acquisition of Egypt we had secured a firm position in the Levant, the question of the Straits no longer had the same predominant importance and we became willing to make it the subject of negotiation and to surrender much which we had formerly declared to be essential. In the same way, the doctrine of the integrity of the Ottoman Empire,

which had so long guided our policy, was abandoned. Sometimes, on the other hand, it is only slowly, and after much tribulation, that the clearness of vision has been acquired which is necessary in order that a guiding principle of policy should be proclaimed and maintained.

We may take two illustrations which from this point of view are of the highest importance, the history of the relations of Great Britain to Egypt and the history of South Africa. Looking back at the series of events which have taken place in these countries during the last two generations, we can now see that in reality a great constructive policy has been worked out. In the case of South Africa a satisfactory conclusion has been reached; in that of Egypt we may fairly hope that a similar conclusion will soon be obtained. In the first case, the result has been that nearly the whole of South Africa up to the Zambesi (excluding the reserved native territories) has become a single political unit in which the two European races, English and Dutch, have full and complete legal equality,[1] and that, under the British flag and as a member of the British Confederation of Nations, this political community enjoys the fullest rights of self-government and sovereignty. It would be difficult now to find anyone who would dispute the proposition that the conclusion arrived at is one singularly advantageous to the inhabitants of this new State, and that it is one which does not militate against the general welfare of the world.

In the case of Egypt, the conclusion which appears now to be in sight is one which would secure to Egypt a full and complete independence, together with membership of the League of Nations, this independence being further assured by a permanent Treaty of Alliance with the British Empire, a treaty which would also secure to the British Empire certain special privileges and rights which, owing to the geographical position of Egypt and its proximity to the Suez Canal, are of vital interest not only to Great Britain, but to the Empire of India and to the Dominions of Australia, South Africa and New Zealand. It can be foreseen that the final settlement, which all hope for, will provide for the Sudan that strong and secure government which, in view of its very wide extent and the character of its inhabitants, would certainly be impossible except by the help of a powerful and wealthy European State. Such a settlement would certainly also include

[1] Southern Rhodesia is of course not a part of the Union of South Africa, but a separate self-governing colony.

ample guarantees to Egypt for the use of the waters of the Nile.

In both these cases, then, we can look to the end of the story ; in both we find a remarkable illustration of constructive political work. If, however, we turn back and inquire how these desirable results have been brought about, we see a long series of troubles, insurrections, civil war and formal war. We have complex diplomatic discussions with the Colonies and States whose interests were involved, and acute controversies with all other interested Powers, which have more than once brought us to the very verge of war. In not a single case throughout the whole of this history has the method of arbitration been resorted to ; there was no arbitration of the differences which arose between the British Government, the Orange Free State and the South African Republic when they were independent States ; there was no arbitration of our differences with the Ottoman Empire in consequence of the British occupation of Egypt ; there was no arbitration with regard to the differences which arose not only with France, but with other European Powers, on the financial settlement in Egypt ; above all, there was no arbitration regarding the acute differences between Great Britain and Egypt on the one side, and France on the other, at the time of the Fashoda incident. In every case the British Government pursued its own course. It attempted, so far as was possible, to come to an amicable agreement on the matters which from time to time were under discussion, but it always preferred to risk a breakdown of the negotiations rather than to surrender those points which at the particular moment seemed vital for the continuance of the task it had undertaken.

And may we not go further than this, and suggest that if there had been in those days a formal obligation to resort to arbitration when other means of coming to an amicable settlement had failed, the constructive work of the British Government would almost certainly have been frustrated. The difficulties would have been greatly increased had Great Britain been under an obligation to submit to arbitration with the Ottoman Empire her action in landing troops in Egypt and maintaining an army of occupation there, or to submit the Anglo-Egyptian title to the Sudan to the judgment of a court.

As it was here, so elsewhere. If in past years the doctrine of compulsory arbitration in all international disputes had prevailed and been enforced, and if the aggressor had always been held in check, then the whole political development of

the continent of Europe would have been held up, and the process by which now it has become divided between independent national States would have been frustrated. The great wars of the last century were not, as seems often to be suggested, fought on points of legal right or mere conflict of honour, which could have been arranged by a mediator or an arbitrator. The wars by which the union of Germany and of Italy were established, and by which, after so long a delay, the Balkans were freed from Turkish government, were in each case deliberately planned and carried out with a clearly defined object, which, looking back, we surely must acknowledge, was legitimate. It is of little use now to inquire whether in 1859, in 1866, in 1912, France and the Kingdom of Piedmont, Prussia, the Balkan States, were technically the aggressors; no arbitration could have dealt with the issues which were decided by these conflicts. We could not now wish that Russia should still rule in Warsaw and in Helsingfors, that the Austrians should still be in Milan and in Venice, that Belgrade, Sofia and Bucharest should still be under the Government of the Sublime Porte, or that the unification of Germany and of Italy should not have taken place, and that the Yugoslav nation should still be divided between the sovereignty of three other States. In each of these cases the true question we have to ask, if we presume to weigh in the balance the actions of other States, is whether, when they have obtained their desires, they have shown themselves capable of contributing more than did the system which has been displaced, to the general welfare of the world.

Vital interests are then a real thing. They cannot with impunity be ignored, and a conflict in which they are involved cannot always be settled by methods suitable to other controversies. Yet even where vital interests are concerned much may be done by conciliation and mediation; for this ample provision is made in the Covenant of the League of Nations as it now stands. But if this fails, then arbitration, compulsorily imposed, involving as it does a final and definite decision from which there is no appeal, might easily do more harm than good. Far better leave the problem unsettled, hoping that, as has often happened in the past, time and delay may help to bring a solution. Nor in these matters is it sufficient simply to condemn the aggressor, for it may well be that in the success of the aggressor lies the hope for the future. For over fifty years the British Government, generally in association with Austria, resolutely maintained

the integrity of the Ottoman Empire—a policy which was essentially non-aggressive and calculated to preserve peace. But there are few now who looking back would not recognize that it would have been better for the world at large had they been willing to co-operate with other States in the gradual dissolution of that Empire, even though a policy of this kind might justly have been characterized as aggressive.

Permanent peace cannot be secured merely by a paper outlawing of war, nor by the adoption of compulsory arbitration, nor by automatically condemning the aggressor. The only way of stopping war is to remove the causes of it. Civil war is now everywhere regarded as illegal, but this does not and will not prevent civil war where there is misgovernment. And so in international affairs, war can only be permanently avoided when a political system has been established under which each nation, feeling that its reasonable demands are met, respects the reasonable demands of others. The real hope for the future lies in the fact that to a very large extent this necessary condition has been secured. We do not always recognize how great an advance has been made in this direction by the events of recent years and, above all, by the Great War and its results. On the continent of Europe, even if the territorial settlement is not in every detail fully satisfactory, there are at least not left any of the great outstanding problems which have been the cause of war in the past. There may be, there are, in some places conditions which are not generally acceptable, but they should be regarded rather from the point of view of local adjustments of frontiers which, as we have seen, can be dealt with by diplomacy, by mediation, or even by arbitration, and do not involve fundamental territorial problems. As in Europe, so to a large extent is it elsewhere. One of the greatest achievements of the nineteenth century is that the whole soil of Africa has been partitioned between the European States and that this has been done entirely by peaceful negotiation. In not a single case has this great work led to war between any two European Powers. The long and often acrimonious discussions which took place about the Niger, Zanzibar, Equatorial Africa, were all part of the everyday work of the diplomatists, and they showed themselves equal to the task; the problems which remain for the future seem, if not entirely, at any rate to a very large extent, to be within the scope of diplomatic action, reinforced and strengthened as it now is by the establishment of the League of Nations and the new spirit which

prevails. Before 1914, on the continent of Europe every important diplomatic discussion was conducted with the clear recognition that failure to achieve an agreement would be inevitably and at once followed by war. Though the nations tried to avoid it, war was regarded as a normal method of settling disputes; even if it could be put off on one occasion, it would inevitably occur on some other. To a large extent, even on the continent of Europe, there seems to be arising an attitude more similar to that which, as we have seen, has long prevailed on the continent of America. In these different circumstances arbitration will doubtless be more frequently used than in the past, but it does not follow that it would be wise to impose it universally.

In dealing with such outstanding questions as may still remain here and elsewhere, the history of the past should remind us that peace cannot be kept merely by an indolent acquiescence in the *status quo*. When injustice is found to exist, then it must be removed. If it is to do its work, the League of Nations must be not merely passive and repressive; it must show power of active remedy and construction. In this healing process we may assume that the British Government will take an active part, just as it may fairly be maintained that it is largely to their efforts that the new system and the new spirit are due.

January, 1928.

CHAPTER III

BRITISH POLICY TOWARDS EGYPT

THIS paper has been written in answer to a request for a brief appreciation of 'the guiding motives of British policy in Egypt since the occupation'. It therefore does not attempt to give any formal or consecutive narrative of the extraordinarily complicated series of events, and, in particular, it entirely excludes any consideration of matters connected with the actual administration and internal conditions of Egypt. This must be left to those who have personal knowledge of the country and experience in its Government. Even with these limitations, the task is no easy one. The history of our relations to Egypt during the last half-century is embodied in hundreds of blue books, which have to be supplemented by consultation of confidential and unpublished papers. But the official documents, though they contain a full and very detailed record of the action of the British Government, and the manner in which each difficulty as it arose was actually dealt with, generally throw little light on the ultimate motives of the Cabinet and the Secretary of State, nor do they include consideration of the larger aspects of policy. For guidance in these spheres we must turn to the private correspondence, fragments of which are incorporated in the biographies of the statesmen who were chiefly concerned. This source of information, which is very incomplete, even for the earlier years, practically ceases for the period after about 1892. A really adequate treatment of the subject would require a careful study of changes in public opinion as revealed both in the Parliamentary Debates and in the press; this, however, would be the work of many months. Moreover, nothing is more difficult than to appreciate motives, for the most important decisions are often made, not as part of a connected and far-sighted policy, but under the urgent pressure of some immediate crisis.

The story is a long and complicated one, but the real difficulty

in dealing with it is that no conclusion has yet been reached. In these great political matters one cannot fairly judge the past until one knows to what end the journey has led. At one time it seemed as though a satisfactory and final conclusion had been arrived at. There had been a steady, continuous and consistent development. The first stage was marked by the limited aims of Lord Palmerston, who desired only to keep open the route to India and repudiated any idea of annexation, control or even interference in the government of Egypt; then from 1875 onwards the pressure of changing circumstances compelled the British Government to active co-operation with France in regard to Egyptian finance; this led inevitably to joint control over the whole government and administration; France fell out, and again, not as the result of any definite desire, we were compelled to undertake the sole responsibility for order and government. This position was strengthened as years went by. The insurrection and the reconquest of the Sudan formed additional reasons of the highest importance for a permanent union between England and Egypt. The predestined end appeared to have been reached when, on the outbreak of war in 1914, Turkish suzerainty was repudiated, and the proclamation of a protectorate seemed to imply the permanent incorporation of Egypt in the British Empire, a step to which all the previous events had pointed. But then there came a change as remarkable as it was sudden and unforeseen. The events of 1919 were a real turning point. We were unable or unwilling to maintain what had been achieved; we were compelled to retrace our steps until the protectorate was withdrawn and independence, albeit a qualified independence, was granted. But the proclamation of 1922 leaves everything as obscure as it had been forty years before; once more the continuance of our occupation places us in a position similar to that of Lord Cromer's time. It is impossible to say whether the final step backwards will be taken, and we shall end where we began, limiting our demands on Egypt to keeping open the road to India by the free navigation of the Suez Canal, and finally giving up the great ambition of acting as the recognized guide and counsellor in the government of the country.

The Traditional Policy, 1800–75

It is impossible to begin the story with the British occupation. The motives and attitude of the Government in 1883 cannot be understood without reference to earlier events. The chief

and for many years the sole motive of our policy in Egypt, as, indeed, throughout the Levant, was the maintenance of our communications with India and the security of our Indian Empire. The history of British policy is the record of the different methods by which, in changing circumstances, this motive was pursued. The landing of Bonaparte in Egypt in May 1798 was the first episode in the story. From that event began the struggle, always present and often avowed, between England and France, which continued for over a hundred years, till in 1904 it was, at least for the time, ended by the agreement according to which France officially recognized the British occupation of Egypt.

The ideas by which Bonaparte was influenced were not new; he was only carrying into effect projects which had been maturing for many years. Nearly a hundred years before, Leibnitz, in a memorandum addressed to the King of France, had advised that the best method of obtaining the supremacy at which France aimed was the conquest of Egypt, which would open to her the whole trade and control of the Eastern world. Bonaparte's essential motive was 'not only to monopolize trade with the extreme East, but also to limit and threaten the domination of the English in the Indies'.[1] To this must be added the purely intellectual conception, 'the mission of French science for complete and methodical investigation of the land of the Pharaohs'. Essentially, it was part of the secular struggle between France and England for power and influence outside Europe.

The defeat of Bonaparte and the expulsion of the French from Egypt was a defensive measure for the maintenance of British power in India and the control of the route to India. It was not, as it well might have been, followed by a British occupation. A British force was, indeed, maintained there for a few years, but was expelled by Mehmet Ali, and although he professed to fear a renewed British invasion, nothing of the kind was attempted. The British Government did not aspire to control and govern Egypt; they aimed only at the exclusion from that country of France or of any other European Power. All that was necessary for this purpose was to maintain such friendly relations with the Pasha, afterwards the Khedive of Egypt, as to ensure that he should not fall under the exclusive influence of any other Power and that he would keep open the route to India.

The importance of Egypt as the high road to India became

[1] Freycinet, *La Question d'Egypte*, pp. 3, &c.

more marked when in 1835 the overland route was established and the mails were sent by it. During the Indian mutiny it was used for hurrying out reinforcements. In communications to the Egyptian Government great stress is laid on their obligation to keep open the route from Alexandria to Suez. Lord Palmerston, in an autograph letter to Mehmet Ali of the 8th March, 1847, after stating that he fully shares 'your Highness's wishes to increase and facilitate to the utmost the friendly and commercial intercourse between England and Egypt', adds:

> Her Majesty's Government also trust that your Highness will, on your part, on all occasions give a favourable hearing to any representations or requests which Her Majesty's consul-general may be instructed to make to your Highness on these matters with a view either to the removal of inconvenient impediments or to the affording of additional facilities as well for the commerce of British subjects in Egypt as for the passage of travellers and mails in their way to India.
>
> The passage through Egypt as the highway for the intercourse between Her Majesty's possessions in Europe and in India is undoubtedly somewhat more convenient to the British Government and people than the passage across Asia Minor and by the River Euphrates, and your Highness, with the sagacity which distinguishes you, must be fully aware of the advantages accruing to the country over which you rule from the passage through it of the numerous travellers who either for business or for pleasure pass between India and Europe. Her Majesty's Government are therefore persuaded that your Highness will do your utmost to prevent any impediments of any kind being thrown in the way of such travellers by any persons subject to your control.

One of the reasons why the British Government always opposed the acquisition of Syria by Mehmet Ali was that they did not desire that the two alternative overland routes to India viâ Egypt and the Euphrates should be under the same control.

The diplomatic situation was at the time favourable to British policy. Egypt, though under the rule of Mehmet Ali, continued to be a part of the Ottoman Empire; friendly relations between Great Britain and Turkey insured us against any hostile action by the Sultan, while after the general guarantee for the integrity of the Turkish Empire, which was finally and formally given by the Treaty of Paris, any attempt to conquer or annex Egypt by another European Power was ruled out. All that was necessary, therefore, was to maintain the *status quo*. It is true that some far-sighted observers, recognizing the predominant interests of England, professed to foresee that sooner or later Egypt would fall under British control, and when the Tsar Nicholas I in 1853 made his

celebrated suggestion for the partition of the Turkish Empire, he said:

> As to Egypt, I quite understand the importance to England of that territory. I can, then, only say that, if in the event of a distribution of the Ottoman succession upon the fall of the Empire, you should take possession of Egypt, I should have no objection to offer.

Sir Henry Seymour at once answered that 'he had always understood that the English views upon Egypt did not go beyond the point of securing a safe and ready communication between British India and the mother-country'.

It was from France alone that danger might be apprehended, but France remained quiescent. The predominant social influence at the Court of the Khedive was French; there was a large French colony in Egypt; it was to France that the Khedive turned when he wanted European advisers or financial aid, but there was no attempt on the part of the French Government to establish any form of political control, and, of course, the alliance during the Crimean war put it out of the question that they should attempt anything which would at once have been met by strenuous opposition in this country. Moreover, the French were now much occupied with the conquest of Algeria, and in 1857 the Emperor Napoleon III went so far as to suggest that an arrangement should be made by which England should take Egypt, while France was to have Morocco—an interesting anticipation of the manner in which this vexed question was utimately settled. Lord Palmerston, however, at once refused the overture, and in a letter addressed to Lord Clarendon, wrote:

> As to the Emperor's schemes about Africa, the sooner Cowley sends in his grounds of objection the better. It is very possible that many parts of the world would be better governed by France, England and Sardinia than they are now, and we need not go beyond Italy, Sicily and Spain for examples. But the alliance of England and France has derived its strength not merely from the military and naval power of the two States, but from the force of the moral principle upon which that union had been founded. Our union has for its foundation resistance to unjust aggression, the defence of the weak against the strong, and the maintenance of the existing balance of power. How, then, could we combine to become unprovoked aggressors, to imitate, in Africa, the partition of Poland by the conquest of Morocco for France, of Tunis and some other State for Sardinia, and of Egypt for England? And, more especially, how could England and France, who have guaranteed the integrity of the Turkish Empire, turn round and wrest Egypt from the Sultan? A coalition for such a purpose would revolt the moral feelings of mankind, and would certainly be fatal to any English Government that was a party to it. Then, as to the balance of power

to be maintained by giving us Egypt. In the first place, we don't want to have Egypt. What we wish about Egypt is that it should continue attached to the Turkish Empire, which is a security against its belonging to any European Power. We want to trade with Egypt, and to travel through Egypt, but we do not want the burthen of governing Egypt, and its possession would not, as a political, military and naval question, be considered in this country as a set-off against the possession of Morocco by France.

Let us try to improve all these countries by the general influence of our commerce, but let us all abstain from a crusade of conquest, which would call down upon us the condemnation of all the other civilized nations.

This attitude was in entire accordance with the general principles by which British policy was governed during the middle years of the century. There was at this time a great reluctance to extend the territorial possessions of the country and to undertake definite and formal responsibility under a protectorate for the government of backward nations. The general belief held at the time, which was fully shared even by one so pugnacious as Lord Palmerston, was that English influence, English trade and English wealth would be best secured, not by a policy of annexation and territorial expansion, but by encouraging all over the world the adoption of general liberal principles, self-government at home and free trade abroad. There was a marked difference in this matter, as we shall see later, from what we may call the 'new imperialism', which became prominent during the later years of the nineteenth century.

This satisfactory state of things was changed by the proposal to build the Suez Canal and by the successful completion of the project in 1869. This was looked upon by Lord Palmerston and the British Government as a grave threat to British interests, and (as they afterwards recognized, most unwisely) they did everything in their power to prevent it. They apprehended that if this great work were carried through by French energy, and to a large extent by French money, the inevitable result would be a great increase of French influence in Egypt, and this influence might eventually take a political form. France would henceforward be securely established on the soil of Egypt; in the case of war, she would be able to close the Canal to British vessels, while enjoying the use of it herself, and the guardianship of the Canal might easily become the excuse for further occupation. It is, indeed, extremely probable that the building of the Canal would have led to extension of French influence, which would have been most

embarrassing to the British Government. It was impossible that a Napoleon on the throne of France should not be influenced by memories of his uncle's achievement. Had it not been for extraneous events, it is almost certain that Egypt would have become the cause of acute friction between the two countries. This danger was, however, averted by the war of 1870 and the fall of the Empire, which followed within a year of the opening of the Canal. For some years France was not in a position to embark on a forward or progressive policy here or elsewhere, and it would obviously have been most foolish of her to do anything by which she might forfeit British sympathy and the possibility of British support in any fresh difficulties with Germany.

The Period of Transition—Co-operation with France, 1875–83

And so for a few years after the opening of the Canal, the political situation remained as it had been, and the British Government were able to maintain the negative policy which they had hitherto pursued, but, as the years went on, two circumstances made it impossible for this to continue, first, the growing realization of the immense importance of the Canal, and, secondly, the financial collapse of Egypt. The hands of the British Government were forced, and reluctantly they were compelled to take positive action in defence of their interests. It was in the year 1875 that the new situation made itself felt, and a new era began, which was to last till 1883. In 1875 the British Government took two momentous steps: the purchase of the Khedive's shares in the Canal, and the despatch of Mr. Cave, Judge Advocate-General, at the request of the Khedive, to give him financial advice; this led to a project for a convention by which the Anglo-Egyptian Bank would have a special and privileged position in Egypt. The truth seems to be that the Khedive, finding that he could no longer get financial aid and general support from a weakened and impoverished France, deliberately turned for assistance to England. The two steps apparently were taken independently;[1] there does not seem to have been any conscious determination to begin a new era in our relations to Egypt, but it often happens that foreign countries see the tendency of our policy in a clearer light than we do ourselves. However this may be, the French Government noted the coincidence. They were apprehensive that it

[1] See Buckle's *Benjamin Disraeli, Earl of Beaconsfield*, Vol. V, p. 453.

might mean the beginning of a positive policy towards establishing British influence in Egypt. Had they been in a position to do so, they would probably at once have adopted a hostile attitude and put difficulties in the way. This, however, was quite out of the question; it was only a few months before that the intervention of England had apparently saved France from the danger of a new and unprovoked attack from Germany. If opposition was out of the question, the alternative was co-operation. On the 14th February, 1876, the Duc Décazes approached Lord Lyons and explained to him that, in his opinion, 'the only means of preserving the considerable interests of the English and French creditors in Egypt lay in a close *entente* between the two Governments.' He laid stress on the advantages of a policy which would substitute for obvious or possible rivalry a firm agreement.[1]

This was the beginning of the period of co-operation between England and France, which was to last till 1883. Fortunately, it is not necessary to rehearse the oft-told story of these years; it is sufficient for the purpose of this paper to trace the guiding principles in the development of British policy.

As the years went on, two new motives came to dominate our policy; the defence of the interests of the bondholders and, arising out of that, the reform of the Government of Egypt. Originally the adoption of these motives was not deliberate or spontaneous on the part of the British Government; they were forced into a policy of active intervention as the only means of preventing the establishment of foreign control over Egypt, either international control or control by the French alone.

In 1875 the chief motive of the French Government was the defence of the French bondholders against the imminent danger of Egyptian bankruptcy. With this object, it was necessary for them to establish a direct control of Egyptian finance. Action of this kind was contrary to the whole traditions of the British Government, which had never considered it their duty, by political action, to protect the financial interests of those who had invested money in foreign securities. Active intervention of any kind was, moreover, distasteful to Lord Derby. None the less, it was impossible to refuse the request of the French for co-operation; had this been done, the French would certainly have intervened and would have been supported by other Governments. Any such intervention, which would have resulted in a foreign control over Egypt,

[1] Freycinet, *ib.*, p. 156.

was contrary to all our interests ; we were compelled, at first reluctantly, to co-operate. Lord Derby, however, moved very cautiously ; while he allowed the appointment of British representatives in the Joint Control and in the Caisse de la Dette, he refused to make these appointments official. And yet from 1876 onwards, we find carefully selected Englishmen working in Egypt itself on the problem of finance. They were at once led to see that the financial question could not be separated from the general government of the country ; they found an appalling system, not only of financial chaos, but also of general misgovernment, the result of which was that the resources of the country, which depended entirely on the prosperity of the fellaheen, were being squandered. Even from the point of view of the interests of the bondholders, the real remedy was to be found, as it seemed to them, in a complete reform of the Government and administration. But as soon as they began to work in this direction, reform became something which was desirable for its own sake. Before long it completely overshadowed the purely financial problem and, for them, working in Egypt, eye-witnesses of the cruelty and incompetence of which the Khedivial Government was guilty, the establishment of an honest and humane Government became the primary object of endeavour. In this they received little sympathy from their French colleagues, and the object was one which did not appeal to the higher diplomacy of the other European States. They were, therefore, necessarily led, quite apart from general political considerations, to favour anything which would strengthen active British influence and British control in Egypt.

The first steps in this direction were taken by Lord Salisbury. Forsaking the more cautious policy of Lord Derby, in May, 1878, he formally instructed the British consul-general to press for payment of the coupons. From this time onwards the British Government, acting through the consul-general, used steady pressure on the Egyptian Government to carry out the reforms which were recommended by the Commission of Inquiry. This official action was not limited to the purely financial points which had been the immediate cause of intervention ; it was quickly extended to recommendations which were imposed upon the Khedive, by which he was deprived of his autocratic power and which soon came to mean a complete control by the two Governments over both the Constitution and the Administration.

The immediate objects by which Lord Salisbury was in-

fluenced were connected with the general diplomatic situation in Europe. Continued co-operation with France was necessary, for he required French support at the Conference of Berlin. This was all the more essential in consequence of the Cyprus Convention. The British occupation of Cyprus naturally caused annoyance and indignation in Paris. In order to calm the French it was necessary to reassure them about Egypt, and in a despatch to Lord Lyons, Lord Salisbury wrote:

> Your Excellency is well aware that the advice has been from various quarters repeatedly pressed upon Her Majesty's Government to occupy Egypt, or at least to take the borders of the Suez Canal. Such an operation might not have been at variance with English interests and would have presented no material difficulties. But this policy has never been entertained by Her Majesty's Government. We had received an intimation from the French Government that any such proceeding would be very unwelcome to the French people, and we could not but feel the reasonableness of their objection under existing circumstances. Her Majesty's Government have constantly turned a deaf ear to all suggestions of that kind. . . .
>
> England has a special tie to Egypt because it is the highway to her Eastern possessions, but the great economical and philanthropic objects which European diplomacy is pursuing in that country interests France and England in an equal degree. Neither Power desires to establish any territorial settlement in Egypt or to interfere in any way with the dynasty of the Khedive at present established there under the suzerainty of the Sultan.

At the same time he let the French understand that England would give them practically *carte blanche* in dealing with Tunis.

This first paragraph must be interpreted not only as an assurance but as a warning. There was, indeed, an assurance, but it was confined to 'existing circumstances'; there was a clear intimation that if the circumstances changed the occupation of Egypt might come to be regarded as a natural English ambition, and that it was one which, in view of the general diplomatic situation, they would be well able to carry through. In writing these words, Lord Salisbury no doubt had in mind the knowledge that he could, if necessary, depend on German support, of which he was repeatedly assured by Bismarck.[1]

[1] Bismarck's advice was at the time regarded with great, but, I think, exaggerated, suspicion. I see no reason to believe that his constant protestations in the most secret documents that he desired permanent good understanding with this country were untrue. He really held that it was for the advantage of Germany that we should (with or without the French) exercise control over Egypt and the Canal, and the belief common at the time that he wished to estrange France and England does not seem justified. The more France depended upon England, the more she would tend to be estranged

But in Lord Salisbury's mind the maintenance of the co-dominion was never regarded as something desirable in itself. It was essential at the moment, chiefly as the means of avoiding any more extended international control, which he was determined to avoid. France and England had insisted that the future of Egypt should not be discussed at Berlin. When a proposal was made that an Austrian controller of Finance should be added to the British and French controllers, Lord Salisbury, in a letter to Count Karolyi of the 4th November, 1879, after pointing out the administrative objections to the appointment of so large a body, added :

I should frankly add that these are not the only motives which would influence the decision of Her Majesty's Government upon the proposals now before us. England and France have a preponderance of influence in Egypt by virtue of the special gravity and importance of the interests, political and other, which they possess in that country. The plan of Councillor von Kremer practically amounts to a proposal for the surrender of this preponderance. Whatever the precise effect of the change in machinery might be, this would undoubtedly be the interpretation which public feeling in Egypt would attach to such a concession on our part. This is a consequence which it would be impossible for us, consistently with our duty, to accept. . . .

While Her Majesty's Government had every desire to avoid interfering with the legitimate interests of other nations, the Decree of November, 1876, and the Control established thereby, was an arrangement which Her Majesty's Government could not consent to abandon, or to modify in any international sense. I observed to Count Karolyi that the action of England, though her interests were largely commercial, was dictated in the main by exclusively political considerations. Egypt had, in that point of view, an importance for England which it had for no other country in the world, and we were unable either to forego our own claims to influence in that country, or to accede to arrangements of which confusion would be the necessary result. Any international government of Egypt I thought quite impossible.

We learn, however, from his private correspondence, as published in his Life, that he was looking further ahead. What he anticipated and hoped for was not a system of permanent co-dominion ; he believed that this must eventually develop into a predominant British influence. In this he was in agreement with an increasing body of influential opinion which was beginning to insist on the necessity that this country should assume sole responsibility for the control of Egypt.[1] While assuring the French of British co-operation

from Russia, and he knew that English influence would always be exerted in restraint of French chauvinism.

[1] See Edward Dicey's *England and Egypt*, which strongly advocates this view.

at the moment, he was, therefore, very careful to avoid anything which would commit him to the permanence of this system. His conception seems to have been that England should give France a free hand in Tunis and that things would so naturally work out that France would concentrate her attention on Tunis, and by the general law that every country must limit its aspirations in accordance with its financial, military and political resources, would have less energy to throw into Egyptian affairs than would England. As he wrote to Lord Beaconsfield on the 5th September, 1878:

> It does not seem to me expedient to bind ourselves formally in this matter (of a definite convention between England and France in Egypt). As matters now stand, we have no choice but to admit in some sort of parity of influence between England and France. But the state of affairs may change, and it may suit us at some future period to push ahead, and then any obligatory engagement would be highly inconvenient.

And to Lord Lyons on the 10th August, 1878:

> I told Goschen that we were very anxious to work with the French, and that we intend to take no violent means of placing ourselves in a position which would make them subordinate. But I told him I nevertheless had faith in the English influence in Egypt drawing ahead —a result which in my belief depended not on any formal acts, but on the natural superiority which a good Englishman in such a position was pretty sure to show.[1]

A very remarkable anticipation of the course which events were eventually to take.

But Lord Salisbury was not to remain long in office, and it is much more difficult to decipher the real intentions of Lord Granville, by whom he was succeeded. There is no positive evidence that he took any such wide view as his predecessor. It would appear that he was content to deal with each particular situation as it arose, to get over the immediate difficulty by which he was confronted, and that, so far as he had a general policy, it was confined to a desire to avoid commitments and responsibility. But nothing is more difficult than to distinguish between a policy of mere vacillation and procrastination and one of wise moderation and foresight. English Ministers are traditionally very reluctant to commit themselves to general views as to the future. None the less, any real statesman must have in his mind some conception of the state of things he would wish to bring about. In regard

[1] *Life of Robert, Marquis of Salisbury*, by Lady Gwendolen Cecil, Vol. II, pp. 334–5.

to Egypt, at this period there were two alternatives. The one was strongly to adhere to the traditional policy of maintaining the integrity of the Turkish Empire ; this meant maintaining the *status quo*, preventing change and development and, as far as Egypt in particular was concerned, restricting intervention and external control to the narrowest possible limits and so avoiding the establishment of a permanent influence in the country by ourselves or by any other nation. The other policy was to recognize the undoubted fact that the Turkish Empire was in process of decay and was gradually crumbling to pieces. In order to make the process a peaceful one, it must necessarily be gradual, but, none the less, it must imply that the European nations would, as time went on, each assert its prerogative rights, in the form either of a sphere of interest, or of a protectorate, or even of annexation, over different portions of the Empire. Considered from this point of view, there can be no doubt that Great Britain would aim at earmarking Egypt for herself. This would necessitate great care to avoid making any promises or agreements by which the final establishment of British predominance over Egypt would, when the time came, be impeded. This we have seen was in Lord Salisbury's mind ; we cannot see that it was in Lord Granville's mind, but it would not be just positively to assert that it was altogether absent. The difficulty was that on this, as on so many other matters, there was a real difference of opinion in the Cabinet. On the one side, Mr. Gladstone, who was a host in himself, supported by a large and influential section of the Liberal party, both in and outside Parliament, adhered with full conviction to the older doctrine. He was genuinely, and even passionately, averse from the exercise of control over other countries and the use of force to establish such control was abhorrent to him. On the other side, there was a party in the Cabinet, of whom Lord Hartington and Mr. Chamberlain appear to have been the most conspicuous, who were prepared to regard with satisfaction any increase of British power and influence abroad. It was Lord Granville's duty—and it was not an easy one—on each occasion to advise a policy which would not lead to definite antagonism and rupture within the Cabinet. This was the motive by which many of his acts must be explained.

As we know, the actual course of events, largely owing to the vacillations and frequent changes of Ministry in France, forced us eventually, contrary to his wishes and intentions, to actual intervention and the use of armed force, and thereby

brought about a situation unexpectedly favourable to the establishment of British control. It appears that he did everything in his power to avoid this. So averse was he from undertaking this responsibility that he deliberately reversed Lord Salisbury's policy and tried to arrange for some kind of international control,[1] while by opposing the French occupation of Tunis, he endangered the friendly co-operation with France. Especially characteristic is the attempt which he made, when armed intervention became necessary, to call in the help of Turkey, which he regarded as less bad than the other possible courses, isolated British action, or Anglo-French intervention. This seems to have been merely a device to escape from the diplomatic difficulties of the moment. We cannot see that, if the request to the Sultan that he should send troops to Egypt had been successful, any positive result would have been attained. It would not have helped the cause of the reforms ; it would not have strengthened British influence ; it would not have helped Arabi and his colleagues in their first attempt to procure a national Government for their country ; it is very improbable that it would have done any good to the bondholders. It was replete with danger. The presence of Turkish troops in Egypt would certainly tend to aggravate Pan-Islamic feeling and religious animosity against the Christians ; there can be little doubt that the Sultan would have deliberately used the opportunity for this purpose. The control of any Turkish army would obviously present the gravest difficulties and, whatever written engagements might be made, it would clearly be very difficult once they were in Egypt to get them out again. The chief result of their presence would have been to strengthen the position of the Khedive and the old governing class of the Turkish Pashas and Circassian officers, the one thing which one would have thought was equally incompatible with Egyptian prosperity and British influence. Moreover, as Lord Granville recognized, the application to the Sultan could only be made with the co-operation of the other Great Powers, and this must result in substituting for the dual control an international control, which was precisely what, as Lord Salisbury had foreseen, should, if possible, be avoided. But, after all, may it not have been merely a diplomatic move, and may not the offer to Turkey have been made with the intention and the hope that it would be rejected, so as to clear the way for British action and to deprive the Turkish Government of the right to complain that

[1] See Newton's *Lord Lyons*, Vol. II, pp. 270, &c.

they had been ignored? This was certainly the motive of the invitation to Italy to take part in the expedition for the defence of the Suez Canal. There is, however, nothing to justify us in attributing a similar motive to the Turkish offer.

The British Occupation

The events of 1882, the bombardment of Alexandria, the defection of the French, the despatch of a British expedition to Egypt, the defeat of the Egyptian army and the occupation of Cairo, created quite a new situation and one exceptionally favourable to this country; we found ourselves in a position in which we had practically a free hand to do whatever we wanted. At the moment, no serious opposition was to be feared and the British Government had the opportunity of framing their own course of action in accordance with their own desires. The only difficulty was that they did not themselves know what they wanted. Neither the Cabinet as a whole nor Lord Granville had any clear vision for the future. Their decisions in every case were therefore negative. Annexation could have been brought about; it was rejected. In the same way they determined not to proclaim a protectorate. For a few weeks the policy of formal neutralization was accepted, but very quickly it also was dismissed. The objections to a formal proclamation of a protectorate, and still more to annexation, did not arise from the situation in Egypt itself, but from the general diplomatic situation. Either course would have aroused the most intense opposition in France, and in this the French would have had the support of Russia. In any case, we should have had to depend on the support of Germany, which would have entailed great and undesirable concessions to her in other parts of the world. Moreover, even if war with Russia had been avoided, we should have been quite unable to oppose any demand by her for compensation in other parts of the Turkish Empire.[1] The only

[1] What may be called the moral case against annexation is strongly put by the Queen in a letter to the German Crown Princess of the 17th July, 1877. The Queen was much indignant at the suggestion of Bismarck that 'England ought to take Egypt', and writes to the Crown Princess:

'Neither *Turkey* nor *Egypt* has done *anything* to *offend us*. Why should *we* make a wanton aggression such as the taking of Egypt would be? It is not *our* custom to *annex countries* (as it is in *some others*) unless we are obliged and forced to do so, as in the case of the Transvaal Republic. Prince Bismarck would probably like us to seize Egypt, as it would be giving a great slap in the face to France, and be

point on which there seems to have been any agreement was that, though the British troops could, for obvious reasons, not be withdrawn immediately, the occupation was to be purely provisional and temporary. But this, in effect, meant the postponement of decision, for no one could say how long the occupation was to continue. The only positive step taken was to declare that the dual control of France and England must cease and that the control of the Egyptian finances should be invested in a single adviser, who would, of course, be an Englishman. The other new institutions, especially the Caisse de la Dette, established to protect the bondholders, which were international in character, were to continue.

Lord Dufferin was sent out to report and advise on the situation ; his report undoubtedly represents what he understood to be the wishes of the Government ; the general trend of it was that steps should be taken to encourage the development of constitutional government in Egypt, and he enumerated a number of reforms in administration which seemed to be desirable. These were to be carried out under the supervision of the British representatives and with the help of British advisers in the different departments.

As Lord Cromer points out, there were two things which the British Cabinet really desired. The first was evacuation of Egypt and the withdrawal of the troops; the second, the continuance of the reforms. These two were, however, incompatible with one another. Without a strong British control, which could only be secured by the presence of troops, the progress of reform was impossible. There was no power or authority in Egypt which could be trusted to continue the work by itself. To restore the absolute power of the Khedive and the influence of the Turkish Pashas would have meant a reversal to the old system of government ; on the other hand, the rising Nationalist Party had neither the ability nor the experience to govern the country. Under them anarchy would certainly have resulted. Lord Dufferin, in his report, writes :

I cannot conceive anything which would be more fatal to the prosperity and good administration of the country than the hasty and inconsiderate extrusion of any large proportion of the Europeans in

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taking a mean advantage of her inability to protest. It would be a *most greedy* action. I own I *can't* for a moment understand *your* suggesting it.' (*Letters of Queen Victoria*, edited by Buckle, Vol. II, pp. 546, &c.)

the service of the Government. . . . It is frightful to contemplate the misery and misfortune which would be entailed on the population were the financial, the public works, and analogous departments to be left unorganized by a few high-minded European officials.

But the ascendancy of European influence could only be secured by the prolongation of the British occupation. Lord Dufferin's instructions forbade him to state in clear and positive terms the inevitable inference to be drawn from his own proposals. In the same way, after making the suggestion that 'the masterful hand of a Resident, as in an Indian subject State, would have quickly bent everything to his will', he rules this out on the ground, first, of Egyptian opposition, and secondly, because 'Her Majesty's Government and the public opinion of England have pronounced against any such alternative'. [1]

It is only fair to point out that at this time Lord Cromer himself, who had been recalled to Egypt as consul-general at the end of 1882, brought up, as he had been, in close association with many of the leaders of the Liberal party, fully sympathized with the desire of the Government for the speedy withdrawal of the British troops. As he acknowledges, he greatly underestimated the time which would be required for establishing a satisfactory Government in Egypt. It was only gradually that his practical experience of the difficulties of the task which he undertook and his intense interest in carrying it to a successful conclusion, led him, as years went on, to change his point of view. In 1891 Mr. Chamberlain wrote to Sir Charles Dilke:

I have looked the matter up, and I think it is quite true that in 1884 we were all for evacuation as early as possible. But I did not then estimate properly the magnitude of the task we had undertaken, nor did I know how splendidly it would be performed by Baring and his colleagues. Baring himself began as a strong advocate for evacuation.

What is most remarkable in all the discussions and the correspondence is the absence of what we may call the spirit of imperialism. We find no evidence of a desire to continue in Egypt merely for the purpose of increasing British territory and British power. On this point there was complete sympathy between Lord Cromer and the British Government. On the other hand, he, naturally enough, being on the spot, felt more strongly than they did our great responsibility towards Egypt herself; to him this was to become the one predominant motive.

[1] Cromer's *Modern Egypt*, Chapters XVIII and XLIV.

An interesting picture of Lord Granville's state of mind in the autumn of 1882 is given in letters written by Count Herbert Bismarck, who was at that time on a mission to England, to his father. Writing on the 13th September, he says:

I had an opportunity of talking to Lord Granville about Egypt, and he was pleased in the highest degree to hear that England would not meet with any opposition or any difficulties from us in the settlement of Egyptian matters. He told me that he did not think of annexing Egypt. He did not see clearly how the future of Egypt would be finally settled, but, considering the different possibilities in the Cabinet, annexation had been excluded. None the less, he seemed to be pleased when I told him that even annexation could be reconciled with our interests. I explained to him the reasons why you did not think annexation would be helpful to English interests, and he completely agreed to this. He makes it the object of English policy to maintain English preponderance in Egypt while maintaining the Khedive. 'We will use the Sultan for this purpose, and I consider the advice of the Chancellor that we should establish ourselves there under the Turkish firm a very good one. In this sense I have always pressed for the conclusion of the military convention; some time ago I had a serious struggle in the Cabinet, for almost all of my colleagues would not have anything to do with the convention and would not let the Turks into Egypt. I apprehended that the failure to bring about the convention would make our relations to Turkey worse, and might lead to a breach which I would do anything to avoid. I have, therefore, got it agreed that the discussion should continue, and I am pretty certain that we shall come to a conclusion very shortly.' [1]

The next day he saw Sir Charles Dilke, who observed that, at the conclusion of the campaign, we should not immediately withdraw all our troops from Egypt; above all, the Khedive must have a sufficient and reliable bodyguard; in addition, we must maintain an observation corps against the Sudan, and, lastly, one on the Nile, in order to keep the Bedouins in check and to cover the Suez Canal. And, on the 22nd October, recording another conversation, he writes that:

Lord Granville was resolved to abolish the control. Lord Lyons is to propose to the French that the Khedive should be allowed to appoint a controller of the finances; he would, of course, be an Englishman. 'We feel that our only obligation is to see to it that order and peace are restored in Egypt and believe that this can best be done by a regulation of the finances for which we are responsible.' The English Government do not desire that their diplomatic representative in Egypt should have a position like that of the French Minister resident in Tunis: 'We do not wish to go so far. We had discussed the whole question in a hasty meeting of the Cabinet, but nothing has been put on paper. I am very anxious, however, that the Chancellor should be

[1] *Die Grosse Politik*, No. 730. [See Dugdale's *German Diplomatic Documents*, 1871–1914, Vol. I, p. 161.]

informed about our intentions and so I tell you, quite confidentially, that we do not wish to handle the Suez Canal and Egypt in the same way. We wish to propose that free transit on the Suez Canal should be secured by an international guarantee, both in peace and war, for all maritime nations, and at the same time we will propose that Egypt should be recognized by the European Powers as a neutral State, like Belgium. In this way we believe that we should disarm the jealousy of other nations and at the same time avoid the burden of maintaining troops in Egypt. This will cost us a good deal, and we should have to make fortifications of the first rank. As a neutral State it will only require a very small army, which will cost very little. Naturally, a dependable force on which the Khedive can rely will have to be organized, and we shall have to get securities that anarchy does not again break out in Egypt. Until this moment has arrived we cannot withdraw our troops, gladly as we should do so. The European Powers themselves would expect and require from us that we are to remain in Egypt. Do you not think that the Chancellor wishes this also ? . . . We can never consent to a neutralization of the Suez Canal, for that would bar the use of the sea during war, and no English Minister can do that. If, however, Egypt is not declared neutral, then the protection of this country, with all its enormous costs, falls upon us.' [1]

Six weeks later Lord Granville informed him that the idea of neutralization of Egypt had been given up. Proposals would be made for an international undertaking which would guarantee to the ships of all nations free passage through the Canal.

Looking back now, how strange it is to recall that when Dilke said that the Khedive must have a sufficient and reliable bodyguard, and when Lord Granville said that a dependable force on which the Khedive could rely would have to be organized, what they seem to have had in mind was the creation of a body of professional soldiers recruited from the other provinces of the Turkish Empire. In view of this, how unconvincing are the proposals and suggestions which were from time to time made for the establishment in Egypt of some kind of representative institution, for representative institutions cannot co-exist side by side with foreign mercenary troops. No work done by the English was more important than the building-up of the Egyptian army and the reform of the police. Indeed, throughout all this period the conception of a genuinely free autonomous and self-governing Egypt was quite unreal. It was not till after the war that this was seriously considered. It was assumed that whatever happened Egypt must be under external control; the only question was whether the control should be British, Turkish, French, or international; if the question is put in

[1] *Die Grosse Politik*, No. 731. [See Dugdale, *ib.*, p. 163.]

this form, there could never be any doubt that it must be British.

The nature of the only possible alternative is clearly shown by the remarkable account of a conversation between Count Herbert Bismarck and Baron de Courcel, the French Ambassador at Berlin, which took place in 1885, at a time when for a short period Bismarck, who had his quarrels with England about German colonial development, had established a better understanding with France and was encouraging the French to embark on all sorts of colonial schemes :

> Baron de Courcel had told me in the morning the only means of manœuvring England out of Egypt would lie in the extension of the Powers of the Commission of the Debt after Germany and Russia had joined it, so that the real power of government in Egypt would be transferred to it. England would then be completely put into the background with its single voice. At the same time the Sultan must provide us with some vigorous Albanian general, who, as Minister of War, would keep strict order ; a man of this kind could easily do it with a thousand Circassians and Albanians. Then it would be unimportant whether Tewfik or some other nightcap enjoyed the title of Khedive. I spoke in this sense to M. Ferry, who appeared to find the proposal to put forward the Sultan and a European Council of Control quite to his taste. ' Anarchy in Egypt only became possible,' he said, ' when three years ago the Circassians were removed from the Egyptian army. In 1882 we made the great mistake that we did not undertake the suppression of anarchy in common with England. That, however, is now past, and it is no good talking about it. The co-dominion, with all its dangers, is over for ever. We do not want to have Egypt for ourselves alone ; just as little, however, can we leave it to England, and we must Europeanize it.' [1]

This passage is of great importance. Nothing could better show the inherent vice in the French policy. They were completely indifferent to the real interests of Egypt herself. They were quite prepared to embark on and carry through a policy, the only result of which must be to render impossible the realization of the reforms in the internal government for which the English in Egypt were working, to subordinate everything else to the interests of the bondholders, and with this object they would have been willing to reintroduce the worst elements in the old system, a military despotism, in the hands of the Circassians. The result would have been to re-establish the unrestricted power of the old clique of Pashas, under whose rule Egypt had suffered so long.

The only thing to do then was to go on, to give the fullest support to Sir Evelyn Baring in his treatment of the local

[1] *Die Grosse Politik*, No. 694.

problem, and to encourage in every way the reform of the Egyptian Government, and to do this without formal modification of the existing legal situation, complicated and embarrassing though it was. It is difficult to see how any Government could have followed any other course. On the other hand, it was probably a mistake to lay so much stress as was done on the temporary nature of the British occupation and to repeat so often the pledge that the soldiers would be withdrawn as soon as possible.

Any suggestion for the immediate withdrawal of the British army of occupation was rendered impossible by the revolt of the Sudan and the necessity for providing for the defence of Egypt against invasion from the South. In truth, the events in the Sudan brought in a new motive, which was, as years went on, to become increasingly important. This great country, which had been down to the year 1884 scarcely known by name to the majority of Englishmen, suddenly became the centre of interest. The very fact of the failure of Lord Wolseley's expedition to relieve General Gordon left a feeling that this could not be the end of the story. His failure and the defeat of General Baker's forces at Suakin must be repaired. To many it appeared that this was an obligation of honour. But nothing could be done if our control over Egypt were relaxed. This view, indeed, was not shared by the Government. In February, 1885, Lord Hartington said: 'The permanent occupation of Egypt is the most dangerous policy which could be pursued; it would necessitate the annexation of both Egypt and the Sudan.' In these words he expressed the profound apprehension felt by all responsible statesmen and experienced administrators against any such great extension of our imperial responsibilities. It was a feeling which was naturally increased by the imminent danger of war with Russia. There was then for the time being to be no change in policy. The British Government continued formally to declare that the occupation was to be only temporary and that the troops were to be withdrawn at the earliest possible moment. When Lord Salisbury returned to office in 1885, his first action was to send Sir Henry Drummond Wolff on a mission, accompanied by a Turkish general, to inquire into and advise on the situation in Egypt and afterwards to Constantinople to try to negotiate with the Turkish Government an agreement as to the time and the conditions of the withdrawal. The negotiations fortunately failed, chiefly because the French and Russians objected to a clause in the proposed convention

which would give the English, even after they had evacuated, the right under certain conditions to re-enter Egypt. The whole episode is difficult to understand, and no action of the British Government in the whole story has been so consistently disapproved of. Probably it was suggested by Lord Randolph Churchill.

In Egypt, on the other hand, everything was working against evacuation. English officials were intent on carrying through the programme of reform, but this would be impossible if the British troops were withdrawn or even if the withdrawal were imminent. They might, indeed, never be used, but they were the symbol on the spot of British authority, and it was because the troops were there that the advice of the British to the Egyptian Government, conveyed through Sir Evelyn Baring, the consul-general, was recognized as an order, which had to be obeyed. On this point Lord Granville showed no lack of determination :

> I hardly need point out (he wrote to Sir Evelyn Baring, on the 4th January, 1884) that in important questions, where the administration and safety of Egypt are at stake, it is indispensable that Her Majesty's Government should, so long as the provisional occupation of the country by English troops continues, be assured that the advice which, after full consideration of the views of the Egyptian Government, they may feel it their duty to tender to the Khedive, should be followed. It should be made clear to the Egyptian Ministers and Governors of provinces, that the responsibility which for the time rests on England, obliges Her Majesty's Government to insist on the adoption of the policy which they recommend, and that it will be necessary that those Ministers and Governors who do not follow this course should cease to hold their offices.

Foreigners in Egypt certainly did not desire evacuation. The interest of the bondholders was in the maintenance of a settled government and effective financial control. Both would be endangered if British authority were weakened. The very large European population in Egypt looked to the British troops as a protection, and did not quickly forget the massacres in Alexandria.

The abortive negotiations of 1887 were not formally renewed. The situation remained apparently unchanged. The French continued their protests against the prolongation of the occupation ; the British Government continued to assert, though perhaps less frequently and less decisively, that the occupation was only temporary and provisional. But, in fact, from about this period there was taking place a profound change in English public opinion, a change which affected the whole attitude

towards Egypt. Hitherto there had lingered on the conviction, not only in Liberal, but in Conservative administrations, that any extension of British responsibilities was undesirable, and the old prejudice against new territorial acquisitions remained. This feeling was rapidly dying away. A new school of thought had arisen, a school of which Cecil Rhodes was the chief founder and exponent. Profoundly conscious of the greatness of the Empire, they viewed with satisfaction every extension of its power and influence. At the same time, the colonial ambitions of other countries had been awakened, and Africa was the chief scene of the consequent rivalries. At a time when the whole area of the continent was rapidly being divided among the European races, it might well appear out of the question that this country should voluntarily resign the special and prerogative position which it had in Egypt. And Egypt was no longer aloof from general African questions. The head waters of the Nile were already being subjugated to European control, and the acquisition of Uganda brought the British sphere of influence up to the Sudan. The French were expanding over the Sahara. In such circumstances, how unnatural would it appear that the English, by evacuating Egypt, should relinquish what might become a key position, for it was only through Egypt that they could establish a right over the Sudan. Those who talked of the Cape to Cairo railway could no more surrender Cairo than they could the Cape. When in 1895 Sir Edward Grey gave a serious warning against any attempt by the French to establish themselves in what had been, and still legally remained an Egyptian position, he was avowedly speaking as the guardian of Egypt. From this time the Sudan, which originally had been looked on as an inconvenient and embarrassing complication, became a main object in British policy. In an article written in 1877 in the *Nineteenth Century*, Mr. Gladstone had pointed out what the results of intervention in Egypt would probably be:

> Territorial questions (he said) are not to be disposed of by arbitrary limits. . . . Our first site in Egypt, be it by larceny, or be it by exemption, will be the almost certain egg of a North African Empire, that will grow and grow until another Victoria and another Albert, titles of the lake-sources of the White Nile, come within our borders; and till we finally join hands across the Equator with Natal and Cape Town, to say nothing of the Transvaal and the Orange River on the south, or of Abyssinia or Zanzibar to be swallowed by way of viaticum on our journey.

We cannot but admire the foresight which this shows, but a

generation later these consequences, which he regarded as a danger to be avoided, had become a definite object of policy. That which one generation looked on with apprehension had to their successors become a great national acquisition, and moreover, during the concluding years of the century, we have the reconquest of the Sudan, the collision with the French at Fashoda, and the establishment of an Anglo-Egyptian co-dominion over the Sudan. How could these great achievements be maintained except by a permanent union of Egypt with England ?

At the same time, the work which was being done in Egypt under Sir Evelyn Baring was beginning to show its results. Great progress was being made ; the most serious financial difficulties had been overcome ; the fellaheen were being relieved of the excessive and irregular taxation ; the country was growing more prosperous and the population increasing. There was still much to be done ; greater irrigation works were in contemplation ; reform of justice had to be carried through. But, on the whole, the country had become, under British control, orderly, peaceful and prosperous. English public opinion was beginning to look with pride on a great national achievement. It was, perhaps, the publication of Milner's book on Egypt in 1892 which brought about a full and general recognition of this achievement. Was it to be expected that the country would willingly accept a surrender of the rights which had alone made this reform possible ? On the contrary it came to look upon the British occupation, British control, British administration, as a natural and proper thing, which might well be not merely temporary and accidental, but permanent. Moreover, we must not neglect the increasing personal knowledge of Egypt. Every winter it was visited by hundreds of Englishmen and women belonging to the ruling and influential classes. There were few who did not come back without a feeling of satisfaction that it was under the security afforded by British soldiers that they had been able to visit the country. The new generation which was rising up began to look upon British control of Egypt as it looked on the British government of India—as a natural phenomenon. Our right to be there had been proved by the beneficence of our government.

The essential thing was that Lord Cromer had won the complete confidence of the Government at home, and they were willing to a very exceptional degree to be guided by his advice and to give him their unswerving support. There was, indeed, a crisis when in 1892 a Liberal Government took office.

Mr. Gladstone once more publicly asserted the principle that the British occupation was only temporary ; Mr. John Morley and Sir Charles Dilke advocated evacuation.[1] But Lord Rosebery was Foreign Secretary, and when serious difficulties arose in Egypt with the new Khedive, Abbas II, he wrote and published a despatch which contains the following words :

> All these considerations point to the conclusion that for the present there is but one course to pursue : that we must maintain the fabric of administration which has been constructed under our guidance, and must continue the process of construction, without impatience, but without interruption, of an administrative and judicial system, which shall afford a reliable guarantee for the future welfare of Egypt.[2]

From this time onwards there was no more vacillation and uncertainty and all hopes that we should withdraw our troops or weaken our control were disappointed.

The Suez Canal

It might appear at first as if these new motives had almost completely superseded the original motive for interest in Egypt, that of keeping open the communications with India and the East. In all the great mass of documents published about Egypt, there is scarcely any mention of the Suez Canal. Lord Cromer devotes to it a single brief chapter. It is not mentioned by Lord Milner nor by Sir Auckland Colvin. It was Egypt herself, Egypt for her own sake, to which attention was directed, and at first sight it would seem that the original cause of our interference in that country had been almost forgotten. This was, of course, not the case, but there were special reasons which explain the illusion. The first was that the very fact of the existence of the Canal segregated the question of communication. In the old days of the overland route, passengers, mails and troops destined for India had to pass through Egypt ; they had to land at Alexandria

[1] Dilke's very strong dislike of the occupation seems to have arisen not from a consideration of the condition of Egypt herself, but of its effect on general strategic and political conditions. In a letter to Mr. Gladstone in 1893 he says :

'I share to the full the belief which you expressed in such admirable terms a couple of years ago, that the long-lasting occupation of Egypt by our forces is the cause of all the difficulties by which our foreign policy and even our position in Europe are oppressed. Our hands are not free, and never will be free, so long as the occupation continues.' (See *Life of the Rt. Hon. Sir Charles W. Dilke*, by S. Gwynn, Vol. II, pp. 256, &c.)

[2] Cromer's *Abbas II*, pp. 40, &c.

and traverse the settled and populous lands of the Delta. The building of the Canal altered this; it crossed Egyptian territory but it was a separate zone, which, though under the Government of the Khedive, had, in fact, its own separate administration. Those working in Cairo and Alexandria were not brought into direct contact with the problem of communication. It naturally followed from this that, as Lord Granville said to Count Bismarck, the settlement of the Canal should be separated from that of Egypt. Secondly, during these years the administration of the Canal was carried out with success; no serious questions arose concerning it, and it did not appear that there was any immediate danger threatening the freedom of communication.

Problems concerning the Canal naturally fall into two divisions, commercial and political. As to the first, nothing need be said. The appointment of three British members on the board, and the subsequent raising of the number to ten, gave us an adequate voice in all matters of administration, such, for instance, as the amount of the fees to be charged, which in view of the fact that the majority of vessels using the Canal were British was of particular importance. Matters of this kind were satisfactorily dealt with by arrangements made between the Board of Trade and the directors. From the political point of view the essential thing always was that we should be assured of the free use of the Canal by ships of war and transports, not only in time of peace but in time of war, whether we were neutrals, or actual belligerents. Legally, the situation was not a satisfactory one. The building of the Suez Canal had been carried out by a private Company registered as an Egyptian Company, which operated under a concession granted by the Egyptian Government; this concession was authorized and the terms of it fixed by firmans from the Porte. The whole arrangement was legally and technically an internal matter, to be controlled by the Egyptian Government and the Suzerain Power, and there was no kind of international convention dealing with it. One of the firmans, for instance, declared that the Canal was to be neutral, and the regulations of the Company declared that it should be equally open to the ships of all nations, including ships of war, both in time of peace and of war. There was, however, no international guarantee that these regulations, which were of such importance to the British Government, would be observed.

None the less, when the settlement was first tested during

the Russo-Turkish war, the British Government succeeded in procuring satisfactory assurances from both parties and no interference with traffic took place. The Russian Government formally declared that they would 'neither blockade nor interrupt, nor in any way menace the navigation of the Suez Canal. They consider the Canal as an international work in which the commerce of the world is interested and which should be kept free from any attack'. The Porte, however, while accepting the view that the free passage of the Canal should be kept open for neutral vessels, added that 'as the Canal was part of the Ottoman Empire and had never been declared neutral, they could not admit access of enemies' ships to it, and had therefore taken measures to protect the two entrances from the approach of enemies' ships as well as to uphold the rights of Turkey and its prerogatives as a territorial Power'.

While the steps taken by the British Government were in fact sufficient to prevent any interference with the navigation of the Canal, the sanction for this rested solely on their own action and on their resolution to protect their own interests and those of other neutral States. There was no legal right to which they could appeal. The Canal was a port of the Ottoman Empire; it had never been declared neutral, and there was no convention or obligation for the Porte or the Government of Egypt on the one side, or the Russian Government on the other, to refrain from acts which would, in fact, have impeded free navigation.

A more serious danger arose during the Egyptian campaign of 1883. It will be remembered that the British troops used the Canal as a basis for their attack on the Egyptian army. Their occupation stopped the traffic, but only for four days. It would, however, have been natural for the Egyptian army to retaliate by seizing and blocking the Canal. Action of this kind was in contemplation, and would undoubtedly have been carried out had it not been for the skill and rapidity with which our operations were conducted. But the episode showed how real were the dangers to the Canal from any military operations in which Egypt was involved, and it was clearly desirable that the matter should be dealt with by a formal international agreement. In consequence, a conference was called at Paris, which in 1885 agreed to a convention.

This convention lays down that the Canal should be 'always free and open in time of war as in time of peace to every ship, whether of commerce or of war, without distinction of flag.

In consequence, the high contracting parties agree not to place any impediment in the way of the free use of the Canal in time of peace as in time of war. The Canal shall never be subject to the exercise of the right of blockade '. Further clauses determine the regulations for the use of the Canal by vessels of war during time of war. Representatives in Egypt of the signatory Powers are charged with watching over its execution, and, in case of danger, they are to draw the attention of the Khedive, in order that his Government may take the measures necessary for assuring the protection and free use of the Canal. The obligation to take all measures for causing the treaty to be respected is laid on the Egyptian Government; if they have not sufficient forces to do so they must appeal to the Turkish Government, which will take the necessary steps, advise the other signatory Powers and, if necessary, concert with them on the subject. It will be noted, therefore, that while the Powers agree to respect the freedom of the Canal, they do not enter into any kind of guarantee to cause the treaty to be observed. It is on the territorial Powers, Egypt and the Porte alone, that this obligation rests.

It necessarily results from this that the security for the free navigation of the Canal ultimately depends upon the Government of Egypt. The practical conclusion to be drawn for a Power to whom, as to Great Britain, the free navigation of the Canal, even in time of war, is of vital importance, was that in defence of these vital interests it would be essential to maintain such control over the Egyptian Government as to insure that they would carry out their obligations and, if necessary, though this is not provided for in the treaty, that it should supply to the Egyptian Government the force necessary for protecting the Canal. In other words, the terms of this convention made it even more necessary in the future than it had been in the past, that the British Government should, in vital matters of this kind, control the action of the Egyptian Government and maintain in Egypt troops sufficient, together with the Egyptian army, to repel any attack upon the Canal.

The later history of this convention is remarkable. At the close of the meetings of the Commission, the British representative, Sir Julian Pauncefote, handed in the following resolution :

The delegates of Great Britain, while putting forward this text of the treaty as the definite rule destined to guarantee the free use of the

Suez Canal, consider it is their duty to formulate a general reserve as to the application of these arrangements so far as they might be incompatible with the transitional and exceptional state in which Egypt is at the present moment, and so far as they might interfere with the liberty of action of their Government during the period of occupation of Egypt by Her Britannic Majesty's forces.

Apparently, as a result of this reserve, which was renewed by Lord Salisbury and communicated to the Powers in 1887, it was held that the convention, although it had been signed and ratified, did not, in fact, come into operation. A memorandum by Mr. A. Oakes, Librarian of the Foreign Office, dated 28th June, 1888, contains the words: 'I do not find that it has ever been distinctly stated whether the Suez Canal Treaty is or is not in operation.' A few weeks afterwards, on the 12th July, the Under-Secretary of State, in answer to a question in the House of Commons, said: 'The convention in question is certainly in existence, but . . . has not been brought into practical operation. This is owing to the reserves made on behalf of Her Majesty's Government by the British delegates at the Suez Canal Commission in 1885, which were renewed by Lord Salisbury and communicated to the Powers in 1887.' Things remained in this condition until the Anglo-French Agreement of 1904, article 6 of which runs as follows:

In order to ensure the free passage of the Suez Canal His Britannic Majesty's Government declare that they adhere to the stipulations of the treaty of the 29th October, 1888, and that they agree to their being put in force. The free passage of the Canal being thus guaranteed, the execution of the last sentence of paragraph 1, as well as of paragraph 2 of article 8 of that treaty, will remain in abeyance.

The two clauses referred to are: (1) 'Under any circumstances they (the representatives of the signatory Powers in Egypt) shall meet once a year to take note of the due execution of the treaty'; and (2) 'That the meetings of the agents in Egypt charged to watch over the execution of the treaty shall be presided over by an Ottoman Special Commissioner, or, in his absence, by a Commissioner of the Khedive.'

On two occasions, once during the period when the agreement was in suspense, and once after it had come into force, its effectiveness during a war was put to the test. During the Spanish-American war, Spanish ships of war, and again, during the Russo-Japanese war, the Russian fleet on its way to the East, passed through the Canal. On neither occasion

did any difficulty or contretemps arise; the agreement was strictly enforced by the Egyptian Government, and, according to a report sent by Lord Cromer, the 'arrangements with the Egyptian authorities for the police, the port and the coast-guards, were admirably carried out'. It may be noted that a Japanese officer was sent to watch and report on what was taking place; apparently there was a suspicion on the part of the Japanese that there was some non-neutral action. The situation under the convention was, however, explained to him and the Japanese Government, though they had not signed the convention, and were, therefore, not bound by it, were too sensible to raise any difficulties on the matter. Technically, of course, to a nation not signatory to the convention, it was a breach of the ordinary laws of neutrality that hostile warships should be allowed to pass through the Canal, which was by law part of the Ottoman Empire.

The application of the convention in these cases did not touch the real difficulty; what would happen in the event of a war in which either the Turkish Empire or Great Britain, as the occupying Power, was involved? We have seen that in 1877 the Porte would not agree to permit the passage of Russian ships through the Canal; could it be expected that it would do so even after the convention had been signed and come into force? There is in the convention itself no special clause dealing with this point; there is a clause reserving the general territorial rights of the Sultan, and it is, I think, inconceivable that if he had the power to prevent it, he would allow merchant vessels, still less warships, of a Power with whom he was actually at war, to pass through what was his own territory. Equally inconceivable is it that, as long as the British were in occupation of Egypt and in effect controlling the acts of the Egyptian Government, they would allow the ships of their opponent during time of war to pass through the Canal. To a certain extent the point may seem an academic one, for British sea power was so great that it was highly improbable that she would not be able to prevent belligerent vessels from approaching the Canal, so that the question of what should be done with them if they did get into the Canal waters would not, in fact, arise. All this shows, however, that, as far at least as this country is concerned, the essential point was that she should, both by her naval strength in the Mediterranean and the Red Sea, and also by her occupation of Egypt, be in a position to keep open the Canal to the free passage of all other vessels. This is, indeed, the only point

which emerges clearly from this tangled history. If we were to be quite sure that in case of war our use of the Canal would not be impeded, we must continue our occupation of Egypt.

The Agreement with France

After 1887 the critical period had been passed, but, none the less, the essential difficulties inherent in our occupation had not disappeared. There was no relaxation of French opposition which threatened to become more serious as a result of the Franco-Russian alliance. Originally, this was directed as much against England as against Germany, and whenever England was in difficulties, as during the Boer War, there was always the possibility that these two Powers would officially raise the Egyptian question. The relations with Germany were no longer as easy as they had been during Bismarck's time; though the German Emperor always professed friendship for England, he was equally desirous of establishing cordial relations with France, and no reliance could be placed on his assurances. One of the many projects which were always fermenting in his fertile brain was that of a coalition with France and Russia, a scheme which, if it had ever been realized, must have been directed against England. For this reason, the regulation of the Egyptian situation remained as important as ever. The later stage differs from the earlier in that it was now out of the question that the British Government would accept any limit for the occupation; a settlement must insure that it should continue indefinitely. The opportunity was given by the French suggestion for a general agreement on points of issue between the two nations. Lord Lansdowne insisted that any such agreement must include Egypt, and so the agreement of 1904 was concluded.

With regard to the British occupation the actual text of the agreement contains only the undertaking by France that she 'will not obstruct the action of Great Britain by asking that a limit of time be fixed for the British occupation, or in any other manner', but the language used by the British Government in the preliminary negotiations goes further than this; for instance, in a long note from Lord Lansdowne to M. Cambon of the 1st October, 1903, he says:

> His Majesty's Government have no desire to alter the political status of Egypt, or, so far as Powers other than France are concerned, to raise

at this moment questions affecting the international position of Great Britain in that country. They desire, however, that the Government of the French Republic should recognize that the British occupation of Egypt, which was originally intended to be temporary, has, under the force of circumstances, acquired a character of permanency. It would, therefore, as between Great Britain and France, be understood that the period of its duration should be left entirely to the discretion of His Majesty's Government.[1]

It is then clear that the British Government had by this time decided to continue the existing arrangements indefinitely. Lord Cromer had, indeed, pointed out that the time must come when the position of the British consul-general would have to be defined ; ' Possibly ', he adds, ' it may be necessary to provide that he shall attend the meetings of the Council of Ministers and that no Khedivial decree should be issued without his sanction.' This, of course, would have gone far towards giving him a recognized position, which he had not hitherto enjoyed, as the person ultimately responsible for the government of the country. Nothing of this kind was embodied in the text of the agreement. The British Government apparently did not think the opportunity a suitable one for regularizing and setting down in formal language the nature of the control and influence which they, in fact, exercised in Egypt. The existing system, therefore, continued without change until the outbreak of war.

The arrangements for the financial administration, including as they did far-reaching modifications in regard to the position of the Caisse de la Dette, were put into force by a Khedivial decree, which was attached to the agreement. This required the assent not only of France, but of the other countries—Germany, Russia, Austria and Italy—which were represented on the Caisse. The agreement was officially communicated to each of these Governments ; eventually it was accepted by all of them. The form of the acceptance was an exchange of notes by which each of these Governments gave its assent to the draft Khedivial decree, and undertook not to obstruct the action of Great Britain in Egypt ' by asking that a limit of time be fixed for the British occupation, or in any other manner '. In effect, therefore, this country had acquired not only from France, but from the other interested Powers, recognition of the points to which they attached importance, both as to the continuance of the occupation and as to the simplification of the financial system.

[1] These words are taken almost verbatim from a despatch by Lord Cromer.

The diplomatic difficulties had been largely overcome, but the situation in Egypt was growing more unsatisfactory. Notwithstanding all the benefits which had accrued to the country from British government, we did not succeed in winning the loyalty or affection of the Egyptians. The more prosperous the country became, the stronger was the sense of injury caused by British predominance and British interference, and the dissatisfaction was increased by the unreliable character of the new Khedive, his intrigues with Turkey, and the growth of religious feeling encouraged by the Pan-Islamic movement. The real situation was illustrated on the day when Lord Cromer, finally taking leave of the country, drove through streets lined by armed British soldiers. Notwithstanding the unparalleled success of his administration, in one respect it might appear that it had failed. One of the greatest Englishmen of his generation, a very able administrator, a master of finance, a singularly wise and far-seeing diplomatist, a true humanist, he had not succeeded in stirring the sympathetic imagination of the people whom he had ruled or in awakening a positive sentiment of loyalty to England. On this point he had himself no illusions. He had a sense of limit ; he had done what he set out to do in reforming the finances and the administration. In his own words :

> The corner-stone of Egyptian and Sudanese policy should be a full recognition of the fact that, in the absence of ties, such as community of race, language, religion and social customs, the only link between the governors and the governed is to be found in material interests, and amongst those interests by far the most important is the imposition of light fiscal burthens.[1]

This attitude was very common among men of his generation, who were always inclined to limit the functions of government. But though good financial administration is, and always will be, of the highest importance, it is not by itself a sufficient foundation for a political system.

The essential difficulty then, as afterwards, seems, however, to have been the difference of religion. Every observer dwells upon El Azhar. Mussulman fervour was the one appeal to which, apart from their material interests, the bulk of the population would always respond. The country could only be governed by someone who, being himself a Mussulman, could control and guide this fervour and direct it from the course of retrograde fanaticism into a positive and beneficent influence.

[1] Cromer's *Abbas II*, p. xxii.

During the ten years after 1904, the whole diplomatic situation had completely changed. The agreement with France, and eventually with Russia, had removed the old difficulties ; they were quickly superseded by new dangers. The possibility of war with Germany had become a contingency which must be considered. But in any such war it was probable that Turkey would be allied with Germany. The result was that Egypt came to be regarded predominantly from what we may call the imperial and the strategic standpoint. Notwithstanding the unrest in Egypt, the internal condition of the country ceased to be the main motive of policy. In the minds of the Government and the nation, Egypt was coming to be looked upon, if not in law, at any rate in fact, as a permanent and integral part of the British Empire. It was a point of view naturally strengthened by the events of the war itself ; it received its official consecration by the proclamation of the protectorate in November, 1914, and it was in this spirit that the post-war settlement was undertaken.

The War

The outbreak of war with Turkey necessarily involved an alteration in the position of Egypt. This took two forms ; first, the definite separation of Egypt from Turkey and the abolition of the suzerainty ; secondly, the establishment of a closer and more formal union with this country and the Empire. This closer union could be effected either by the proclamation of a protectorate or by actual annexation. The arguments against the latter course were very strong. At the moment public opinion in Egypt was reported to be on our side. The certain knowledge that it was the intention of the Government to treat Egypt as part of the British Empire and consequently reward and protect her supporters in that country, would make us sure of retaining the loyalty of our friends and of winning the support of a large number of officials. On the other hand, there was in Egypt herself a strong demand, which was shared by the Regent, Rushdy Pasha, who was also Prime Minister, that there should be some definite promise to Egypt of a large measure of autonomy. Anything of the kind was of course inconsistent with annexation but could be provided for under a protectorate. The general idea underlying the protectorate would be inclusion in the British Empire without loss of Egyptian individuality, and it was reported that ' Ministers held strongly to the idea of Egyptian

nationality which a British protectorate would preserve, while a large proportion of educated opinion will be with them in thinking annexation indefinitely postpones any such prospect '. In consequence of these representations the idea of annexation was given up and a protectorate proclaimed. But it is quite clear that in the minds of the Government at home and its representatives in Egypt, the protectorate was looked upon not merely as a temporary war measure but as a definite step by which Egypt was finally and permanently incorporated in the British Empire. It is equally clear that leading Egyptians, even those most friendlily disposed towards us, regarded it in rather a different way. In their minds it was essentially a measure taken to meet the immediate emergency, the interpretation of which would have to be postponed till after the war.

One aspect to which great importance was attached was the opinion of the Mahometan world both in India and elsewhere. As we are told: ' when the protectorate was established in Egypt there was a sigh of relief among the 70,000,000 Moslems in India that another Mahometan principality had not been annexed by a Christian Power '. What concerned them was not the political position which Great Britain held in Egypt, but the fact that a Mahometan ruler and government continued to exist. ' They know from the many Indians and others who have studied at El Azhar, that Egypt is not in the same category of States as Zanzibar and other African kingships, and the fact that the ruler of Egypt has become Sultan and independent of Turkey has raised hopes and aspirations of a strong and independent Egypt in the future.' There was indeed a hope that Egypt, remaining a self-governing Moslem country with a Moslem ruler, would become a real centre of influence in Islam. The mere separation of Egypt from Turkey and the proclamation of a protectorate was in fact only the beginning, not the end, of the matter. The object of our policy was to connect Egypt permanently with the British Empire, but the status which the country would hold was one for which there was no precedent. We wanted to maintain and even to strengthen the real control over the Government and Administration ; at the same time, in order to satisfy not only the Egyptians themselves, but general Mahometan opinion, especially in India, we wanted to leave to the Sultan the forms and dignity of a reigning sovereign. The task was a difficult one, but the solution of it must be postponed until the conclusion of the war ; the

task would then be, in consultation with Egypt, to interpret the protectorate.

After the War

The great pressure of other problems, both international and internal, during the months immediately following the armistice, left little leisure for the consideration of Egyptian affairs either by the Government or by the nation. The matter did not at first appear to be urgent. It seemed as though the difficulties by which our policy in Egypt had been so long attended, had now been removed. All that remained to be done was, when the Treaty of Peace with Turkey came to be signed, to include in it the surrender of all Turkish rights over Egypt and to obtain the recognition of the British Protectorate both by Turkey and by the other Powers. When this had been achieved, then it would be time to regulate in detail the relations between the Egyptian Government and the protecting Power. Henceforward, these relations, which had hitherto been irregular and ill-defined, would be legal and formal. In this way, the uncertainties and legal complications which had been so hampering in the past would disappear.

As to the motives of policy, it might be assumed that there would be unanimity among the responsible authorities in this country. First and foremost was the maintenance of the real control to be exercised over Egypt in all foreign relations. War had demonstrated how vital was the connexion between Egypt and this country. There was more at stake now than the freedom of passage through the Suez Canal; the territory of Egypt had become, to use the words of the Milner Report, 'a nodal point in the complex of imperial communications by land and air as well as by sea. Great Britain's strategic interest in Egypt is not limited to securing a free passage through the Suez Canal.' It must be open to her, not only in time of war, but in time of peace, to use Egyptian territory for military and aerial purposes. It was no longer, as in the older days, merely a question of the communications with India. The world situation had completely changed. The great political problems of the future would arise in the Far East and the Pacific; the whole future of the British Empire depended upon our being able, if necessary, with the greatest rapidity, to make our power felt there; on this might depend the security, not only of India, but of Australia and the whole of our Chinese trade and Chinese

interests. The free use of the soil of Egypt was necessary for this purpose. Moreover, the closest connexion with Egypt and control over the Egyptian Government were essential for the maintenance of our government over the Sudan and the completion of the great irrigation works which were in contemplation. These were the two principal objects of our policy. They involved the right to defend Egypt against any foreign attack and also the exclusion of any foreign political influence in Egypt. For this purpose it would be necessary that England should take into her own hands and guarantee to other States, not only the punctual payments of the interest on the Egyptian loans, but also the protection of the European communities in Egypt, which had hitherto to some extent been secured by the Capitulations. We must also have a guarantee against the outbreak of internal disorder, civil war or anarchy, in Egypt. Everything seemed to point to the fact that the predominant and controlling power which we had exercised for forty years must be continued and confirmed under legal form. It was believed, and genuinely believed, that this would be very beneficial to the Egyptians themselves and would enable the Egyptian nation to develop in peace representative institutions and popular government. We had made ourselves responsible for the good government of Egypt. Was it conceivable that at the eleventh hour we should let the control slip out of our hands and give up the results of the great work which had been achieved during the last forty years ?

This then was the policy. Unexpected difficulties were, however, to arise in carrying it out. It has already been shown that, even at the time when the protectorate was proclaimed, there was a real and serious difference of view between the Government here and even the most moderate Egyptian opinion. We looked on the protectorate as a means of perpetuating and strengthening our actual control ; the Egyptians desired that it should be accompanied by a very wide measure of autonomy. During the later years of the war this divergence had increased. The British Government were more inclined to concentrate their endeavours on the interests of the British Empire. There had been a similar though opposite movement in Egypt. First we have the growth of very serious discontent among the fellaheen owing to purely temporary causes, especially the manner in which the requirements of the army for labour were met. This discontent alone would not in the long run have been important ; after

a very few years of prosperity it would have been forgotten, but side by side with it there was a remarkable growth of national feeling ; this was largely due to the proclamation by President Wilson of the doctrine of self-determination and to the formal announcement of the Allies that they proposed to apply this doctrine to the other Mahometan countries contiguous to Egypt, to Syria, to Arabia and to Mesopotamia. The Egyptians, without exception, were greatly aggrieved that in this proclamation nothing at all was said about Egypt. They naturally enough contended that their country was far more qualified to take her position as an independent State than these backward and semi-barbarous territories. There followed a definite claim put forward by the Nationalist leaders for independence. At first the responsible rulers refrained from openly supporting this claim, and limited their demands to an interpretation of the protectorate. As time went on they found themselves in face of the increasing force of the Nationalist agitation unable to maintain this attitude, and they eventually came forward as leaders of a unanimous Nationalist movement.

The claim for independence, which was now for the first time openly put forward, was very badly received in London, and naturally enough it was from the beginning made quite clear that on this point no concession could be expected. It was the desire of the Government to continue to act on the principle which they had always followed, of giving the Egyptians an ever-increasing share in the government of the country ; the rate of Egyptian progress towards self-government must depend on the Egyptians themselves ; the stage had not yet been reached at which actual self-government was possible. Meanwhile there was no intention on the part of the British Government to abandon their responsibilities for order and good government in Egypt and to protect the rights and interests both of the native and of the foreign populations of the country. The general assumption was, in fact, that the relation of England to Egypt was that of master to subject ; the final decisions on all important points must be reserved to the British Government, though the intention was that they should be in every way reasonable and generous. This attitude could only be justified if there were the power and the will to enforce obedience. Subsequent events seem to show that the firm resolution was not there. The particular point on which issue was joined was the request that the Nationalist leaders should be permitted to visit England.

This request, which was supported by Rushdy Pasha and Sir Reginald Wingate, was refused. The refusal and the subsequent deportation of Zaghlul led to the rising of 1919. The rising, which was a very serious one, was partially suppressed, but immediately afterwards the permission which had hitherto been refused was granted. This concession was proposed and earnestly pressed on the Government by Sir Edmund Allenby ; if it were made, he reported, Rushdy would be willing to form a Ministry. The Government received it with grave misgiving, but it was decided that they must accept the advice of their representatives on whose shoulders lay the full burden of governing Egypt. The result, however, was serious ; it gave the impression that there had been a trial of strength between the nationalists and the British authorities in Egypt and that the latter had shown themselves unable or unwilling to stand up to the forces arrayed against them. The effect of this was apparent throughout all the negotiations which occupied the following years.

To these negotiations we must now turn. They were begun, broken off, taken up again, but no agreement has so far been arrived at. The reason of this seems to be that throughout there was a fundamental difference between the point of view of the British and the Egyptian Governments which had not been resolved or bridged over. Every question was approached from a completely opposed standpoint. The Egyptians held that Egypt was in law if not in fact an independent State, which was willing to make a treaty by which, always reserving their independence, they would enter into a very close alliance with Great Britain. To the English it seemed that they were dealing with a country which had, in fact, become a part of the British Empire, and they were searching for the largest measure of autonomy which they would be justified in ceding.

The British proposals took many forms. There was first of all an idea, vague and undefined, that Egypt should become part of the British Empire, enjoying what is called Dominion status. We hear little of this in the official papers, but it was certainly talked of at the time, and was in the minds of some members of the Cabinet. In a speech of the 18th February, 1921, Mr. Churchill, then Secretary of State for the Colonies, suggested that ' the principles by which the Dominions were associated with the mother-country might have its usefulness in regard to nations as different and as far apart as Egypt and Ireland '. These words could only

indicate the idea of conferring Dominion status on Egypt in the same way in which it was eventually conferred upon Ireland. It is not necessary to discuss the formal legal and technical problems which this involves, for it was no more possible then than it is now to express the conception of the British Empire in legal language ; all that can be done is to enumerate the countries and administrative districts which, in fact, are included in the expression. A system which is so flexible as to include within it countries so diverse in every way as the great English-speaking Dominions, Canada, Australia, India, Ireland and the Malay States, could obviously be extended to include Egypt. In practice it would have meant that the Egyptian Government would be invited to send representatives to the Imperial Conference and would be informed and consulted in the same manner as the Dominions with regard to foreign affairs. (To call this Dominion status would have been difficult, for the essential thing in Dominion status seems to be that all the inhabitants of the Dominions are British subjects, united by common allegiance to the Crown, and it does not seem to have been considered necessary that Egypt should be actually annexed.) The real tie by which the Empire is kept together is, however, not legal and formal, nor is it military. It is psychological. The whole thing is based upon a state of mind by which the peoples of the Dominions, and to some extent of India, feel that the connexion with Great Britain, and the mutual connexion with one another through Great Britain as the centre of the system, is in harmony with their deeper desires, and is not in reality felt to be an infringement of their independence. The basis of Empire is the conviction that in the confederation with the Dominions is to be found a union of membership, which is not an obligation imposed by force, but a voluntary and spontaneous arrangement by which the different members can work together, both for their own interests and for the maintenance of general peace and the furtherance of good government. Though incorporated in the League of Nations, it is to some extent a potential rival of the League of Nations. Was it possible to believe that such a state of mind existed in Egypt or could, by wise policy, in time be created ? Surely we have only to ask this question to answer it in the negative. There were some Egyptians with political insight to see that the permanent establishment of a close connexion with this country would be advantageous to Egypt. There is, I think, no

evidence of any kind that any prominent Egyptian or any appreciable numbers of the Egyptian population had the feeling of attachment, of common sentiments and common principles on which a permanent union could have been built up. Quite apart from the difference of religion, the consciousness of Egyptian nationality was a protest against British influence. There was no instinctive feeling out of which could grow a state of mind which would have recognized the obligations of loyalty. Their ambition was to take an independent place in the counsels of the world and become intellectually the leading Mahometan State, speaking in the counsels of the nations with a completely free and untrammelled voice. And, again, an Egyptian representative in an Imperial Conference would with difficulty have been recognized by his colleagues as fully qualified to take an equal share in their deliberations. He would have been out of the picture.

The policy actually adopted was a different one. The essential point was the maintenance of the protectorate, but apparently this was not held to imply incorporation in the British Empire. The policy is explained in numerous official statements. It was laid down by Lord Curzon in a note to Sir Edmund Allenby of the 15th October, 1919:

> At the time when she declared a Protectorate over Egypt, Great Britain was *de facto* complete mistress of that country, and had it in her power to annex it and incorporate it in the British Empire. But she deliberately refrained from this step and preferred to preserve the autonomy of Egypt under British protection. This is still her policy, to maintain and develop the system of Egyptian self-government under an Egyptian ruler. Her object is, while defending Egypt against external dangers and the interference of any foreign Power, to establish a constitutional system, in which, with British guidance as far as it may be necessary, the Egyptian authorities—the Sultan, his Ministers and the elected representatives of the people—may in their several spheres, and in an increasing degree, co-operate in the management of Egyptian affairs.

This was the basis on which the Milner Commission was appointed in 1919. Their terms of reference are as follows:

> To inquire into the causes of the late disorders in Egypt, and to report on the existing situation in the country and the form of the Constitution which under the Protectorate will be best calculated to promote its peace and prosperity, the progressive development of self-governing institutions, and the protection of foreign interests.

According to the Milner Report, page 7:

> The difficulty (as to the course to be pursued at the outbreak of war) might, of course, have been summarily disposed of by the annexation

of Egypt to the British Empire, but the British Government deliberately chose a less drastic course which would afford security to Egypt, while leaving the principle of an Egyptian national entity unimpaired. This was to place Egypt under the protection of Great Britain.

And on page 18 the Commissioners refer to the 'patent fact that Egypt, though not actually a part of the British Empire, is of vital importance to our whole imperial system'. Lord Curzon, speaking in the House of Lords on the 25th November, 1919, said:

> The opportunity of incorporating Egypt in the Empire was deliberately, and I think wisely, rejected because it was intended in the wide latitude of opportunity which the formula of a Protectorate affords, to give free scope to the political aspirations and the self-governing capacities of the Egyptian people.

(This statement is, perhaps, not happily worded; surely it is the boast of the British Empire that it does not present any impediment to the political aspirations or the self-governing capacities of the countries which are included in it.)

In these statements of policy there are two points, closely interwoven with one another, which seem to require elucidation, viz.: (1) The relations of Egypt to the British Empire; and (2) British rights in Egypt.

It is assumed, throughout, that though Egypt was to be under a protectorate, she would, none the less, not be incorporated in the British Empire. The point of view is a new one. Hitherto, it had, I think, always been assumed that all protectorates were parts of the British Empire. In the enumeration of territories included within the Empire, used by the Colonial Office, the word is stated to include the Self-Governing Dominions, the Crown Colonies and Protectorates, India and the Channel Islands, and this formula was used in a public announcement dealing with a system of Imperial preference. According to the ordinary usage, then, the fact that Egypt was under a protectorate would imply inclusion in the Empire. This was the view taken by Lord Cromer. Writing in 1915, he says:

> After hanging in the balance for a period of thirty-three years the political destiny of Egypt has at last been definitely settled. The country has been incorporated into the British Empire. No other solution was possible.[1]

The question is not merely a verbal one. The whole point

[1] Cromer's *Abbas II*, p. xvii.

of establishing and maintaining the protectorate was that, for the essential purposes of policy and strategy, the British Government would be able to depend in any emergency upon controlling and using Egypt in the same way in which other protectorates were controlled and used. It is to be noted also that, in the case of other countries, for instance, France and Germany, territories under a protectorate are included within the Colonial Empire of the protecting State. Tunis and Morocco are commonly regarded as part of the French Colonial Empire, and before the war, the German colonies, though technically protected territories, were naturally and properly looked on for all practical purposes as German.

Equally important and equally obscure was the question of the rights which the proclamation of a protectorate gave to the British Government as against the Egyptian Government. The essence of a protectorate is that the protecting Power assumes the right of defence of the protected country against any attack by a foreign nation or any claim by a foreign nation to intervene in its internal affairs. It is primarily an act of power and will, directed against other countries, to be enforced, if necessary, by war. This act acquires full validity when foreign nations agree to and recognize the protectorate, and as against them, when once this recognition has been attained, the procedure is complete. On this point the power and influence of Great Britain were sufficient to attain all that was desired. The crucial point was our recognition by France, by the United States, and by Turkey, the former suzerain. When this had been given, there was no doubt that eventually all other States concerned would grant recognition, though there were some difficulties of detail with Italy.

Quite distinct from this, however, is the determination of the relations between the protecting and the protected State. A protectorate implies some control over the Government of the protected country and a limitation of its full sovereign power, and it is necessary that there should be a definite agreement as regards the nature of the control. Leaving out of account protectorates exercised over uncivilized countries, such as Uganda, in every case where a protectorate has been proclaimed over a self-governing civilized community, it has been accompanied by a treaty between the protecting and the protected State. This was the procedure adopted in the case, for instance, of Zanzibar or Judpur, and when a French protectorate was proclaimed in Tunis and Morocco, the Bey

and the Sultan were forced to sign treaties formally surrendering many rights of Government to France.

In the case of Egypt no such agreement had ever been arrived at, and it does not seem to have been considered necessary that there should be such an agreement or treaty. The establishment of the protectorate had been a unilateral act by Great Britain under stress of war, and though Egypt had at the time acquiesced and had remained loyal to England throughout the war, there had been no agreement of any kind as to the nature of the relations between the two countries. Notwithstanding this, the British Government seems to have assumed that, by the fact of their own proclamation of the protectorate, they had acquired the widest possible rights for interfering in and controlling the whole of the constitution and administration of Egypt.

If we look at the reference under which the Milner Commission was set up, we see that it implies a very far-reaching right on the part of the British Government, not only as to the control of foreign relations and as to the maintenance of those points which were essential to the welfare of the British Empire, but also in regard to the purely internal government of the country. The commission was instructed to report on the form of the constitution best calculated to promote peace and prosperity and the progressive development of self-governing institutions. There was no representative of Egypt on the commission ; there were no definite instructions to come to an agreement with the Egyptian Government on these matters. We have, then, a claim on the part of the British Government, on its own authority and initiative, without any request from or consultation with the Egyptian Government, to inquire into the whole internal constitution and administration and to determine how in the future Egypt was to be governed. This claim was put forward in a more open manner than anything which had been done during the prolonged period of occupation before the war, when, in form at least,the authority of the Khedive had always been recognized. The avowed justification for this was the existence of the protectorate, but if the point of view I am suggesting is correct, the mere fact of its proclamation did not necessarily give any such extended powers. They would have required a formal adhesion by the Egyptian Government. Looked at from this point of view, there seems no ground for surprise that the Egyptians should have refused to recognize the authority of the commission, or to enter into any relations

with it, or that they insistently demanded the repudiation of a protectorate which was interpreted in this manner. It seems, indeed, that the British Government had gone beyond those points which were essential for the protection of imperial interests, and that, by assuming to themselves the sole right of interpreting the authority which the protectorate gave, they had put themselves into an untenable position.

The recognition of this will explain the action of the Milner Commission which in normal circumstances would have been difficult to justify. Their terms of reference, as we have seen, were limited; they were to work on the assumption that the protectorate would be maintained; they had no instructions, and, strictly speaking, no powers, to report and advise as to whether the continuation of the protectorate was desirable or feasible. In the same way, the continuation of the military occupation of Egypt, the protection of the Suez Canal and the communications of the Empire were not referred to them; it might be assumed that all these essential points would be secured by the very fact of the existence of the protectorate. All, then, with which they were concerned was to advise as to the internal constitution of the country.

As soon as they were brought face to face with the situation as it existed in Egypt at the time, they became aware that no good would be done if they confined themselves strictly to carrying out their instructions. Going at once to the heart of the matter, they reported that it was necessary that the protectorate should be given up and that there should be substituted for it a treaty between Great Britain and Egypt, a treaty under which, on the one side, Great Britain would recognize the independence of Egypt, while, on the other side, Egypt should confer on Great Britain such rights as were necessary to safeguard her special interests. By this scheme, which was eventually, after much delay and vacillation, in principle approved and adopted by His Majesty's Government, they freed themselves from the untenable position in which they had previously allowed themselves to be involved, and gave up the more extreme claims which they had put forward.

It might, indeed, be objected, as it was by the Egyptians, that even if the word 'protectorate' were avoided, a treaty of this nature would, in fact, be a veiled protectorate. As we have seen, the signature of such a treaty is in no way incompatible with the existence of a protectorate; it is, in

fact, the normal form by which a protectorate is established. On the other hand, it could be pointed out that the fact that under the treaty the independence of Egypt was to be explicitly recognized showed that what was in contemplation was something very different from a protectorate.

All, then, that remained was to procure the assent of the Egyptian Government to some such treaty. In this they failed. It was found impossible, not only during the negotiations between the Milner Commission and Zaghlul Pasha, but also during the prolonged discussions in 1921 between the British Government and Adly Pasha, to come to an agreement as to the actual terms. This led to the *impasse* of 1922. The British representatives in Egypt reported that, unless an agreement were arrived at, it would be impossible for them to carry on the government of the country. It is important to understand what was the crux of the difficulty. Any decision which did not concede the principle of Egyptian independence and by which the protectorate was maintained, would entail serious risk of revolution. Now of course, disagreeable and distasteful as it might be from the purely military point of view, the resources of the British Empire were quite sufficient to suppress overt rebellion and to establish complete military ascendancy throughout the country. But this was not the real difficulty. The whole structure of the Government was Egyptian and it would be impossible to exercise British control and to carry on the government of the country without full Egyptian co-operation in all branches of the administration. While a strong military force could doubtless preserve a certain measure of security to life and property, no military administration could help to replace the complicated machinery of civil government or prevent serious injury to financial and economic interests. There would inevitably be strikes and organized obstruction among the government officials. If then there were to be a continued refusal to accept the principle of Egyptian independence, it would be necessary to look forward to a prolonged period of disorder and administrative chaos. In view of the interesting state of public opinion in this country it was extremely improbable that any British Government would be willing to persist in the relentless course of action which would be necessary if the opposition and obstruction were to be overcome. It could be foreseen with almost absolute certainty that what had happened in 1919 would be repeated. There would be a short period of disorder verging perhaps on civil

war ; even if this were suppressed, orderly government would not be established ; confronted by obstruction within the offices and an organized system of boycotting, the whole administration would break down and sooner or later the British Government would relax in the struggle ; it would be thought not worth while going on and we would once more be put into the position of surrendering to disorder what we had refused to peaceful representations. It was doubtless the recognition of these facts which influenced Lord Allenby and his advisers.

As a result the British Government most unwillingly agreed to the declaration of the 22nd February. It is very difficult to estimate the meaning, the intention and the results of this document. It does not indeed contain any open surrender of the essential points on the maintenance of which the British Government had always insisted. It does, however, entail a real surrender of tactical position, which must make it more difficult in the future to secure the realization of these points. Everything turns on the definite recognition that Egypt is and shall be an independent State. Notwithstanding the reservations which are attached to this declaration, the declaration is absolute and unconditional. From this recognition, once given, it would be impossible to recede except by acts of force. It was then only necessary for the Egyptian Government to accept what was given—independence—and then to refuse to come to an agreement on the reserved points, and it would appear that the British Government had gravely compromised their position. Meanwhile they were obliged to continue the established procedure of the maintenance of a British High Commissioner in Egypt, whose duty it was, on essential points, to advise the Egyptian Government, and, in case of refusal to accept the advice, to enforce it, and also to maintain the British army. But this action might well appear to be inconsistent with the real independence of the Egyptian Government. There are, indeed, precedents for the maintenance by one State of an army of occupation on the territory of another sovereign and independent State, but this, I think, has always been with the consent of the Government. When the Austrians maintained armed forces in some of the Italian principalities, and the French occupied the territory of the Papal States, this was done by agreement, in order to protect the rulers against the internal and external dangers by which they were threatened, and such cases afford no real

precedent for the action of the British Government, though they would have done so had there been a request from the Sultan. Apart from this point, there are obvious objections to justifying our action by precedents derived from Austrian action in Italy.

It is quite clear that it was only with the greatest reluctance that the British Government consented to the acceptance of this expedient. Even the published papers show this ; the communication made to the Dominions definitely states that they regarded as inadmissible the procedure which was eventually adopted. There had been no change in motive and there had been no desire to relinquish any of the objects which had hitherto been regarded as essential. On the 28th January they asserted that, before giving independence, they must have full and effective guarantees for the essential points. Mr. Lloyd George, speaking in the House of Commons as late as the 7th February, stated that, while this country was willing to meet all the legitimate national aspirations of the Egyptian people, and was prepared to abandon the protectorate, this must be on clear fundamental conditions. The first of the essential conditions arose from the geographical position of Egypt ; she is the gateway between the East and the West, and she divides the British Empire ; she is a corridor country and the corridor must be kept open. The second obligation was to protect the Europeans who had gone to live in Egypt and had invested their capital and risked their lives upon the security of British protection. Nevertheless, on the 28th February the Government gave independence without any guarantees. They had found themselves opposed by the almost unanimous opinion of the British officials in Egypt, headed by Lord Allenby, who declared that, under any alternative procedure, they would be unable to carry on the government of the country, for, even under martial law, the continuance of the administration would be impossible without the assistance and co-operation of the Egyptians themselves. Moreover, in adopting, as would have been necessary, a policy of stern coercion, they could not have depended on general support at home. Nothing would have been more fatal than to begin a policy of coercion and then to have to give it up ; we can, indeed, see that one of the chief reasons for the advice tendered by the officials in Egypt was that they had no confidence that if the British Government strongly asserted their position and insisted on the acceptance of the British requirements, before the protectorate was withdrawn, they would

consistently maintain this position and would not, within a very short time, give way before the opposition which was aroused. In these circumstances, it seemed better to give way at once.

One, and perhaps the most important, part of the protectorate, namely, the exclusion of interference and aggression on the part of any other nation against Egypt, was provided for in the declaration to foreign Powers of the 15th March, 1922. Politically, there was every reason to expect that this clear declaration of policy would be sufficient and that no foreign Power would attempt to attack Egypt or to intervene in Egyptian affairs. On the other hand, this was obviously a much less satisfactory situation than that of a protectorate officially recognized by other States. It was not binding in any way on any other country, and there was no legal obligation on any country, if at some future time intervention in Egypt seemed desirable for the protection of her own interests, to take this declaration into account. Of course, if she did not do so, she would find herself opposed by the whole strength of the British Empire to the point of war. On the other hand, if such a situation arose, it would be obligatory that the point at issue should be referred to the League of Nations, and it would be quite conceivable that the Council of the League or the Court of International Justice might decide that this declaration, being merely a unilateral act declaring policy, had no binding force and that Great Britain, if she intervened in a dispute between Egypt and another nation, would have no *locus standi*, and that forcible measures taken would be an act of aggression.

One weakness in our dealings with Egypt had throughout been that we had not been sufficiently mindful of the importance of our legal position. Neglect of this had been fortified by the great success with which Lord Cromer had handled the dubious situation in which he was placed. But, especially in modern times, it is in international affairs very dangerous to disregard what at first sight appears to be mere legality. In this matter the example of Bismarck deserves close study. He was always most careful, just when he was intending a high-handed and unscrupulous use of power, to see to it that he had legal right on his side. There was one method which we might have used to secure this ; Lord Allenby in March 1920 suggested that in addition to Turkish recognition of the protectorate over Egypt, she should at the same time be required to cede to His Majesty all prerogatives and authority

over this country formerly enjoyed by the Sultan as suzerain. Such a cession should be so worded that the rights of the protecting Power should be amplified and not in any way limited by grant of concurrent suzerain authority. He points out that this would be a natural result of the victory over Turkey and that a right of suzerainty based on conquest would have considerable moral authority and would fortify our position. Recognition of the protectorate without cession of suzerainty would be tantamount to a recognition by Turkey of Egypt as a State enjoying a higher degree of internal sovereignty than it previously enjoyed before the war.

There is no evidence that the suggestion was considered during the prolonged negotiations concerning the peace with Turkey. The formula actually adopted, both in the abortive Treaty of Sèvres and in the Treaty of Lausanne, was that Turkey resigned all rights and titles over Egypt, but, as in the case of other parts of the Turkish Empire, the resignation was absolute, and the Turkish legal rights were not transferred to this or any other country. The effect, as Lord Allenby points out, would seem to be that the former restrictions on the sovereignty of the Egyptian Government disappeared and that, in consequence, the Khedive became a fully sovereign ruler.

There was an alternative point of view, which theoretically would have been possible: to accept fully and without reserve the new principles of international relationship towards which the establishment of the League of Nations was a first step; to give up the belief that our own interests in Egypt, which were very largely of a military and naval nature, could only be secured by the exercise of our own power and influence; to surrender our prerogative position, and to bring about the entry of Egypt into the League of Nations as a fully sovereign independent State. It would then have been the duty of the League to protect Egypt from aggression by any other State, and, in that way, the danger of foreign occupation would, at least in theory, have been avoided. To the League also could have been transferred the responsibility for the control of the Suez Canal, and on them would have rested the obligation to maintain freedom of transit, not only for merchant vessels, but also for ships of war, both in peace and in war. An arrangement of this kind would not necessarily have excluded a close treaty of alliance between England and Egypt, by which, in the case of war, the use of Egyptian territory would be secured to British troops. There is no

evidence that such a policy was ever seriously considered, and it certainly was not publicly advocated by any responsible person. We must assume that in its inchoate form the security which might be afforded by the League of Nations did not appear sufficient either as regards the defence of Egypt against foreign aggression, or as regards the protection of foreigners and foreign interests in Egypt against the Egyptians themselves. Apart from this, there were grave practical difficulties. This solution could scarcely have been adopted without a definite settlement of the status of the Sudan, which must have included the right of access to the Sudan for British troops through Egypt.[1]

Conclusion

It is probably too soon to attempt an analysis of the motives and principles by which the British Government were influenced in their dealings with Egypt since the war. They cannot be properly understood unless they are treated in connexion with other post-war problems. The partial surrender in Egypt must be studied in connexion with the fuller surrender in Ireland, with the treatment of India, and even with the very serious difficulties which were encountered at home. In Egypt, as in these other cases, we must recognize the extraordinary difficulties by which the Government were confronted, difficulties which arose partly from the weakness and exhaustion, especially the financial weakness, which was an immediate result of the war, partly from the great effect produced on public opinion throughout the world and the dangers arising from President Wilson's enunciation of general principles such as that of self-determination, and also the rise of Bolshevism. To this we must add the effect of the extension of the franchise during the war. One result of this has been to weaken what may be called the governmental instinct, the feeling and consciousness of moral authority, and the determination, when the necessity has become apparent, to enforce obedience. Ready as they were to conciliate, convinced as they were of the excellence of liberal institutions and popular government, the mid-Victorian Whigs and Liberals were never deficient, in the last resort,

[1] [This was written before the negotiations between Sir Austen Chamberlain and Sarwat Pasha; during the course of these negotiations the British Government itself suggested the entrance of Egypt into the League of Nations and in consequence the implied criticism contained in this paragraph to a large extent falls to the ground.]

in imposing, if necessary by force, the acceptance of decisions which they considered necessary and just. Even Mr. Gladstone had in his nature a great sternness which was only increased and strengthened by what he believed to be irrational and ill-considered opposition. The adoption of a policy of repression and coercion is fatal unless those against whom it is directed believe that it will be steadily and consistently applied by an overwhelming force, which is also armed with full moral authority.

The particular problem which had to be met in Egypt was one which all experience shows is most difficult to deal with. The British Government had, with extraordinary success, after forty years, surmounted all the diplomatic and international opposition which they had encountered; now they found that the National movement which confronted them was even more formidable. The situation was a remarkable one. A country which had just emerged successfully from the greatest war in history, found itself unable to deal with the opposition encountered from a small nation, which was by tradition completely unmilitary, and which had won the reputation of being singularly submissive to authority. But there is, after all, nothing surprising in this. The whole history of the nineteenth century shows how difficult it is for a civilized and humane Government to cope with a genuinely National movement. The intangible moral influences which such a movement exercises are far more difficult to overcome than war and insurrection. It was the National movements among its subjects which were rapidly bringing about the disintegration and collapse of the Austrian Empire, even before the war. It is a problem of which we have had sufficient experience in Ireland. Perhaps the only case in which, for a time, such a movement was successfully kept down, was that of Poland; the reason was that the Poles, confronted by the united forces of the three Eastern Monarchies, recognized that, before this immense power which they knew would be ruthlessly exercised, opposition would be hopeless; but even then they only bided their time. Possibly we have not yet fully realized how greatly the fall of three Monarchies has weakened the authority of government throughout the world.

It is quite clear that the sudden outbreak of 1919, the almost unanimous active adhesion of the whole of Egypt to the new nationalism, took the British Government by surprise. Before the war, though the situation was sometimes tiresome and embarrassing, there was a feeling that nationalism was not a

very serious danger, and that it could, if necessary, always be suppressed. It was supposed to appeal only to the half-educated middle class, and it was assumed that the great mass of the fellaheen would remain immune. This feeling seems ultimately to have been based on a conviction that the Egyptians, being an Eastern nation, were in all political matters fundamentally different from Western and European countries. Much harm was done by the facile repetition of phrases, such as 'the unchanging East'.[1] But to an external observer, the National movement in Egypt in its growth and development appears very similar to that which has taken place in the smaller European countries. Beginning with a small nucleus, it quickly gained ground. Like similar movements in other countries, it was not scrupulous in the methods it used—the most violent and irrational appeals to popular emotion by political agitation and the unbridled use of the press; and there is nothing remarkable in the fact that it did not shrink from outrage and murder, the result partly of the working of secret associations, and partly of the violent appeals to the popular passions of a population completely inexperienced in political matters. All this is the commonplace of modern history; these were the weapons used by the Jugoslavs in Bosnia and Herzegovina.

The British Government, both before and after the war, tried to meet the growing danger by methods of conciliation, but, as always happens in such cases, every concession was made the basis for new and more extreme demands. This applies in particular to the tentative introduction of representative institutions. They were inevitably used as a means of concentrating and strengthening the agitation. It does not seem to have been foreseen that the promise of the establishment of representative institutions and the eventual establishment of some sort of Assembly, would not satisfy and check, but would only encourage, what appeared to be the excesses of nationalism. It is in truth impossible to set any limits to the ambitions of a Parliament, and in Egypt, as in every country under alien rule, these ambitions will always take the form of a demand for complete independence.

Everyone was agreed that the immediate establishment of

[1] General literary expressions such as this, or Kipling's lines, 'East is East and West is West, and never the twain shall meet', are most dangerous if applied to political problems. What sense can there be in words which lump together in one category peoples so different from one another as Chinese, Indians, Persians, Turks, Arabians and Egyptians?

a thoroughly democratic and representative Government would be very detrimental to the efficiency and honesty of the administration. The period of tutelage, which had begun with the British occupation, had not yet produced a new generation which could be trusted to take over the Government entirely in its own hands. None the less, it was impossible that the Egyptians themselves should not contrast the treatment which it was proposed to mete out to them with that accorded to European nations, which were equally inexperienced and had not had the educative advantages which could not but come from association with able British administrators. While full and complete sovereignty was at once accorded, without restrictions, to a nation such as Lithuania, this privilege was to be denied to Egypt. It is difficult to believe that the British Government would so long have maintained their rather superior attitude of guardianship, had they been dealing with a Christian and European people. Nor would they have expressed so frankly the point of view that if, on any point, the desires of the Egyptians were inconsistent with the interests of the British Empire, it was Egypt which must always be expected to give way.

November, 1926.

CHAPTER IV

TREATIES OF GUARANTEE [1]

THE subject of treaties of guarantee has been discussed with great ability and exceptional knowledge by Sir Ernest Satow in a recent number of the *Cambridge Historical Journal*. It is, however, one of such historical interest and also of such immediate practical importance, that it may perhaps be permissible to offer some additional observations upon it, and I hope that the value of this essay will not be diminished by the fact that it deals for the most part with what may at first sight appear to be a mere question of language. After all, treaties are the legal instruments by which the relations between states are defined, and we know how much difficulty may arise, even in private affairs, from the incorrect wording of legal documents and from carelessness in the use of technical expressions.

Our investigation, therefore, must begin with an inquiry into the exact meaning of a guarantee treaty, for clearness on this point is essential if we wish to understand the practical problems involved. No word is so much in use, and often so much in misuse, as the expression 'guarantees', and before approaching the very difficult political questions as to the nature of the obligations imposed by entering into a treaty of guarantee, it will be well worth while to rid our minds of all possible confusion as to the true character of such an undertaking.

The kind of misconception that easily arises can be illustrated by reference to a celebrated series of treaties between this country and Portugal, which are frequently but erroneously referred to as treaties of guarantee. They begin in the year 1373 and conclude with the co-called Windsor Agreement of

[1] [The following paper is the substance of an address delivered to the Cambridge Historical Society in February 1926. It was published in the *Cambridge Historical Journal*, Vol. II, No. 2, 1927, and is included here by courtesy of the Editors.]

1899, which is still unpublished.[1] It is constantly said that under these treaties, and especially under that of 1661, we had 'guaranteed' to Portugal her colonial possessions. A careful study of the documents does not justify this language. They are, in fact, nothing more than a series of defensive alliances between Portugal and England, by which the two Powers agree that, in the case of either being attacked, the other will come to the help of her ally. For instance, according to Article 15 of the Treaty of 1661:

> The King of Great Britain doth profess and declare, with the consent and advice of his Council, that he will take the interest of Portugal and all its dominions to heart, defending the same with the utmost power by sea and land, even as England itself, and that he will transport thither at his proper costs and charges, two regiments of horse, each regiment consisting of 500, and two regiments of foot, each consisting of 1,000, all which shall be armed at the charge of the King of Great Britain, but after they are landed in Portugal shall be paid by the King of Portugal; and in case the said regiments come to be diminished, by fight or otherwise, the King of Great Britain shall be obliged to fill up the number at his own charge; and that he shall cause the said regiments to be transported as soon as the Lady Infanta shall arrive in England, if it be so desired by the King of Portugal.

And in the secret article appended to the treaty, the King of Great Britain 'promises and obliges himself to defend and protect all conquests or colonies belonging to the Crown of Portugal against all his enemies, as well future as present'. This is in fact a very carefully-worded treaty of alliance, but not only does the word 'guarantee' never appear either in the text or in the preamble to the treaty, but there is nothing in it which seems to justify the use of this expression. We do not guarantee to Portugal the future possession of her colonial Empire, for that might be beyond our powers; all we do is to promise to come to her help if either the European or the colonial possessions of the King of Portugal are attacked.

Let us now turn to a consideration of other treaties to which the word 'guarantee' in the strictest meaning of the expression may be properly applied. The first genuine guarantee treaty entered into by this country is, I think, the famous treaty of 1608 between Great Britain, France and the States-General.

[1] The essential parts of these treaties are to be found in White Paper Misc. No. 2, 1898, p. 1899 (C. 9088), Treaties containing Guarantees or Engagements by Great Britain, etc. [The Treaty has since been published—see *British Documents on the Origins of the War*, edited by Gooch and Temperley, Vol. I, p. 93.]

The second article runs as follows:

> The said Lord, the King of Great Britain, hath promised and doth promise bona fide to assist the States so far as he can, to obtain a good and secure peace, and, if it please God to give it to them, to use his utmost endeavours to make it to be observed, and defend them and their country from all injury, violence and invasion against all Princes, Potentates and other persons whatsoever, endeavouring to infringe and violate the said Peace, directly or indirectly; and for this effect to assist them with twenty good ships from three hundred to six hundred tons, well armed and equipped as well with men as provisions, and all other things necessary for war: and to assist them every year with 6,000 foot, and 400 horse, at his own cost and expense, from one three months to another, by way of anticipation, on the same foot that the States are accustomed to observe in the payment of their troops.

Now although the word 'guarantee' does not occur anywhere in the document, it is always, and rightly, quoted and spoken of as a treaty of guarantee. There are three points to be observed. First, that James I undertakes to help the Dutch in their negotiations for a treaty; secondly, that if he is successful and a treaty is agreed upon, he undertakes to defend it and become, as we may say, guarantor for the execution of its terms; thirdly, that the nature of the help which he is to give is definitely specified, and the obligation undertaken is thereby defined and limited. In all real guarantee treaties of the best form these three points are, or should be, included.

The political situation in which the treaty originated is also worthy of attention. A comparatively small State was entering into negotiations with one of the greatest Powers in Europe. Even if at the moment, by the help of other Powers, the new State had been successful in her endeavours, it was quite obvious that without help her position, even after a treaty had been signed, would remain precarious. Spain might very well sign the treaty (as many other States have done) with the intention of going to war again when a convenient opportunity arose and rescinding the concessions she had made. The fact that the treaty was signed would not give adequate security to the United Provinces unless there were some assurance that it would be observed. No better guarantee was available than the undertaking, given by some State more equal to Spain in its resources, to watch over the execution of the terms of peace. This would be especially effective, if, as was the case here, it was and would continue to be in the interests of the guaranteeing Power, viz. Great Britain, that the treaty should be observed.

Historically this treaty is of particular interest, for it is the first only of a long series of guarantees dealing with this part of Europe which were to succeed one another for the next 300 years, and of which the Belgian treaties of 1839 and the Treaty of Locarno are the latest examples.

During the next hundred years it became a common practice when drawing up terms of peace to provide a guarantee for the whole or part of the settlement. It will not be necessary here to quote more than a few instances. In 1628 a very interesting treaty was signed by Charles I on the one hand and by the people of Rochelle on the other; the greater part of the treaty takes the form of a mutual alliance against France, it has therefore the peculiar characteristic of being a formal treaty of alliance between the King of England and the rebellious subjects of the King of France. For our present purpose, however, the important clause is No. 11:

> In fine, that in case his said Majesty should afterwards listen to any one to talk of peace with the said most Christian King, the said Rochellers shall be invited thereto, and no treaty shall be concluded without expressly stipulating their immunities and privileges, according to the Memoirs they shall give to them. His Majesty, besides, obliges himself to be their Guarantee for the said Treaty.

It is obvious that if a treaty of peace were made it was absolutely essential to the people of Rochelle that there should be given to them some guarantee that the King of France would abide by the terms, for otherwise, as soon as they were left to themselves, they would fall before their justly offended ruler. Here the word 'guarantee' is deliberately used, and, as we see, rightly used. The guarantee proposed is similar to that which in the Treaty of Paris of 1856 was given by the signatories to the people of Roumania and Wallachia; they expressly undertook to guarantee that the privileges secured to the principalities from the Porte should be observed. In the case of Rochelle, the promised guarantee was in fact never given, for the reason that the English were defeated in the war and had to make peace on terms agreeable to France. Richelieu attacked and subdued the town, which was from that time brought into subjection to the king.

No guarantee was more important or has been more often referred to than that included in the treaties of Westphalia. These treaties contain clauses by which Sweden and France not only make peace with the Emperor on certain terms, but pledge themselves to their allies, the subordinate German

Princes, that they will ensure that the privileges and immunities conferred on the princes and free cities of Germany in the treaty shall be upheld and maintained. This is constantly referred to in later treaties as the guarantee for the execution of the terms of the treaty and, as Sir Ernest Satow has pointed out, it continued to be regarded as valid almost down to the outbreak of the French Revolution. Here, again, the fact of the guarantee was of the highest importance in ensuring that the treaties should be observed and that they should continue to hold their place as part of the general European System.

The treaty of Ryswick between France and Holland in 1697 is the last that we need consider in this connexion. Article 20 is as follows :

> The said King and the said Lords the States-General do consent that the King of Sweden as mediator and all other Princes and Potentates who have a mind to come into the same engagement may give to His Majesty and the said Lords the States-General their promises and obligations of guarantee for the execution of everything that is contained in this present treaty.

There is a precisely similar clause in the treaty concluded on the same date between France and Spain.

These illustrations could be greatly extended, but they will be sufficient to make clear what was undoubtedly the original and what is, I venture to suggest, the only true meaning of a treaty of guarantee.

The important point to observe is that during the seventeenth century the conception of a guarantee treaty is a very clear and definite one. It is at first only used with reference to some other treaty which has been, or is, in the process of being made, and it is nearly always associated with the conception of a mediator. In every one of these cases two States or groups of States who had been at war and were trying to arrange terms of peace found that by themselves they were unable to come to an agreement ; they therefore invited the help and co-operation of some other State or States—just as, for instance, Spain and the States-General invited the help of France and England ; France and the people of Rochelle invited the help of England ; the German Powers in 1648 invited the help of Sweden and France—the mediatory power then used all its influence to bring them to an agreement and, not content with that, undertook the responsibility of seeing to it that the terms of peace after being signed should be complied with. The guarantee, therefore, was a guarantee for the proper execution of a treaty. It was, as Sir Ernest

Satow has pointed out, a new device for insuring fidelity to treaties.

It is worth noting also that the guarantee is most effective, and certainly it is most necessary when the object is to safeguard the independence of a new State which has arisen owing to the successful revolt of a people against its sovereign, as in the case of the Dutch Republic, or when it gives an international sanction against the territorial sovereign for privileges and immunities which have been secured by war, as in the case of the Treaty of Westphalia. When we come to the nineteenth century we shall find that both these cases occur; for instance, the guarantee of the independence of Belgium, the guarantee to the Danubian principalities and, as will be shown in a later chapter, the abortive guarantee to Greece.

It does not of course follow that the device need always be effective. The guaranteeing Power might have neglected to carry out its obligations under the guarantee treaty, in just the same way as the States primarily interested might have failed to carry out their obligations under the original treaty. None the less, politically there was a considerable difference. It was to be assumed that a treaty signed more or less under stress and compulsion would be inconvenient and distasteful to at least one of the two treaty-making Powers and that, therefore, human nature being as it is, the discontented party would take the first opportunity of denouncing the treaty and starting the war over again, or would neglect to carry out some of the obligations. The very fact that the mediating Power had undertaken this responsibility would be evidence that it was to her interest to ensure that the treaty was properly executed. In fact the evidence shows that during the seventeenth century the guaranteeing Powers did take their position seriously. France and Sweden did intervene to enforce upon the Emperor the obligations he had undertaken towards the German States in the treaties of Westphalia, and it was largely owing to this intervention that the very extensive privileges secured to them were not violated. In the same way, the British Government, influenced no doubt by its own interest, exercised a constant pressure on Spain to respect the independence of the Netherlands.

This, then, is the original and proper meaning of the word 'guarantee' treaty. In fact, however, as time went on the expression was to gain a far more extended use and it came eventually to be applied to instruments of a very different character. The point can be best explained by reference to a

few well-known treaties. In 1731 England and the United Netherlands gave a guarantee to the Emperor Charles VI for the integrity of all his possessions and the secure succession to them, as laid down in the Pragmatic Sanction of his daughter Maria Theresa.

And, moreover, the said contracting parties have expressly obliged themselves, by virtue of this present article, to a mutual defence, or as it is called guarantee of all the kingdoms, states, and territories which each of them possesses, and even of the rights and immunities each of them enjoys, or ought to enjoy, in such manner, that they have mutually declared and promised to one another, that they will, with all their forces, oppose the enterprises of all and every one who shall (perhaps contrary to expectation) undertake to disturb any of the contractors, or their heirs and successors, in the peaceable possession of their kingdoms, states, provinces, lands, rights, and immunities, which each of the contracting parties doth or ought to enjoy, at the time of the conclusion of the present treaty.

For this purpose, His Majesty of Great Britain, and the High and Mighty Lords the States-General of the United Provinces of the Netherlands promise and engage to maintain him, or her, who ought to succeed according to the rule and order above set forth in the kingdoms, provinces, or domains of which His Imperial Majesty is now actually in possession ; and they engage to defend the same for ever against all such as shall perhaps presume to disturb that possession in any manner whatsoever.

There are innumerable other treaties of a similar kind, for instance, the Triple Alliance between Great Britain, France and Prussia, made at Hanover in 1725. The second article runs as follows :

As the true aim and intention of this alliance between the said kings is mutually to preserve the peace and tranquillity of their respective kingdoms their above said Majesties will promise to each other their reciprocal guarantee for the protecting and maintaining generally all the dominions, countries and towns both in and out of Europe, whereof each of the allies shall be actually in possession at the time of the signing of this alliance.

It will be observed that these treaties are in effect nothing more than defensive alliances between the States concerned for the mutual protection of their territory.

Now these two conceptions are really very different, as was pointed out long ago by Vattel. In his chapter on Securities for the observation of treaties,[1] he gives the first place to guarantees :

Guarantee (he says) is one of the means for enforcing obedience of a treaty independently of the good faith of the contracting parties. When those who conclude a Treaty of Peace or any other treaty, are not absolutely confident of its observance, they ask to have it guaran-

[1] *Le Droit des Gens*, Vol. I, pp. 445 *et seq.*

teed by a powerful sovereign. The guarantor promises to uphold the conditions of the treaty and to procure their observance . . . A guarantee is a species of treaty by which the guarantor promises assistance to a state in case it has need of it to constrain the faithless ally to fulfil his promises.

After some observations, admirable in their moral tone, as is the whole of Vattel's work, he refers to the new kind of guarantee which has lately become common :

I must remark in this place that in ordinary use the term guarantee is often taken in a sense somewhat different from the precise one which we have given to the word. The majority of the European Powers *guaranteed* the act by which Charles VI regulated the succession to his dominions. Sovereigns sometimes mutually guarantee their respective States. We should rather term such agreements treaties of alliance to maintain a given law of succession, to uphold the possession of the States in question.

The last words are, I think, just ; guarantee treaties of the second class amount to nothing more than an ordinary treaty of defensive alliance and the word ' guarantee ', which is often inserted, is meaningless ; it is out of place and would be better omitted.

None the less, throughout the whole of the eighteenth century it became the fashion to use the word in practically every treaty of alliance ; Sir Ernest Satow says that it occurs in all but one of the forty-nine treaties. I have not counted them as he has done, but it certainly is very frequent and it becomes eventually part of the mere phraseology of treaty making, a sort of ornamental expression such as lawyers like to put into documents. The Treaty of Vienna of 1795, which was a defensive alliance between Great Britain and the Empire, contains the words : ' The High Contracting Parties shall use all their endeavours for the maintenance of their common interests and shall employ all the means in their power to defend and *guarantee* each other mutually against every hostile aggression.' Here it is clear that the word ' guarantee ' has ceased to hold any special meaning, the obligation to defend one another would be equally strong without it. It is a case of the unfortunately common phenomenon of the degradation of words which originally had a very definite and positive meaning, until they become merely ornamental, and in treaties, as in buildings, unessential ornaments fastened on without any connexion with the structure, are not embellishments but disfigurements.

From the point of view of strengthening what we may call

the sanction of treaties and establishing a higher standard among States of fidelity to their engagements, this development in guarantee treaties was certainly unfortunate. It may be said that nothing has done more to encourage and justify the belief that States could not be trusted to honour their agreements. The contrast between the two periods is very striking. In the earlier days a guarantee, in accordance with its name, did give additional force to a treaty engagement and made it more difficult for the States which had entered into a treaty to violate it. The United Netherlands and Spain made a treaty of Peace; Great Britain and France, respectively, became guarantors for the fulfilment of all the conditions of this treaty and publicly expressed their intention of resorting to war, if necessary, in order to compel Spain to act in accordance with her obligations. The Emperor entered into a solemn engagement to respect the liberties and privileges of the princes and free cities of Germany. France and Sweden solemnly undertook the duty of protecting these privileges and liberties and engaged themselves if necessary to enter on a new war in their defence. It is quite clear that in both these cases something important was added by which the probability that the original agreement would be observed was greatly strengthened.

The conditions are very different if we consider a treaty such as that by which the different States of Europe guaranteed the possessions of the Emperor. They thereby undertook responsibilities of the widest and most undefined nature, responsibilities which it was obvious it might be very inconvenient and very difficult for them to discharge. It was just the kind of treaty which anyone could foresee would probably be neglected, but in this case, as the guarantee is in the original treaty, it gives no kind of assurance by which the obligation is strengthened or enforced. Great Britain or Prussia, as the case may be, has made a promise; a real guarantee would be something which would make it difficult for them to go back on this promise; there is nothing of the kind; the promise remains naked and unprotected. And that such was indeed the case is shown by events. Nothing was more common than that the States which had given these so-called guarantees a very few years afterwards ignored them.

We need not, then, be surprised to find that in this matter the practice of the nineteenth century differs from that of the eighteenth; in the eighteenth century it had become the

almost universal practice to include a nominal guarantee in every treaty of peace; in the nineteenth century this is very rare and is apparently deliberately avoided.

The new practice was inaugurated by the treaties of Vienna. Castlereagh had suggested in 1815 that there should be included a general guarantee of the peace settlement; his proposal was not accepted, and I think every one will now agree that it was not a wise one. It was one which the British Government were certainly not prepared to support. We can see, however, that there was a constant effort, especially on the part of the three Eastern Powers, in some way or another to establish such a guarantee.

The protocol agreed on at the Congress of Aix la Chapelle goes so far as to say that the 'intimate union established among the monarchs . . . has no other object than the maintenance of peace and the guarantee of those transactions on which the Peace was founded and consolidated'. And again, the sovereigns assert 'their strictest observation of the principles of the right of nations which . . . can alone effectually guarantee the independence of each Government and the stability of the general association'. But it will be observed that this protocol is drawn up, and is deliberately drawn up, so as to avoid the implication that there is anything in the nature of a strict guarantee in the legal sense. None of the States concerned enter into a definite and formal obligation to come to the assistance of any other if and when the integrity of its territory is threatened. In the later developments of the Alliance, at Trapau and at Laibach, proposals were made expressly designed to give to each of the sovereigns of Europe a formal guarantee that they should be protected against internal revolution. But it was just because this country was unable to accept any obligation of the kind that she was ultimately forced formally to secede from the Alliance.

For practical purposes the only really effective guarantee was contained not in the Protocol signed by the five Powers at Aix-la-Chapelle, but in the quadruple alliance against France which originated in the Treaty of Chaumont of 1814 and was subsequently renewed in 1815 and at the Congress of Aix-la-Chapelle in 1818.[1] The four signatories bound themselves to prevent future aggression on the part of France and the number of men to be provided by each Power was definitely specified in the treaty. Technically speaking, it may be

[1] See also pp. 146 *et seq.*

argued that this agreement, originating in a treaty made before the conclusion of the war and the drafting of the terms of peace, should be called a defensive alliance rather than a guarantee treaty. However this may be, there was certainly no guarantee for the maintenance of the whole of the Vienna settlement. The obligation to interfere under this treaty was limited to preventing the forcible overthrow of the settlement on the part of France. There was no obligation to prevent changes brought about in any other way.

In fact in the treaties signed at Vienna there are only three cases in which a formal guarantee is given. They are :

(1) A guarantee by the three Eastern Courts for the maintenance of the neutrality of Cracow ;

(2) The guarantee to Prussia of her Saxon possessions ;

(3) The guarantee of Swiss neutrality.

The second of these has a peculiar interest. It was a very definite and positive guarantee clearly involving an obligation, and for this reason it was formally correct; nevertheless politically it was obviously absurd. It runs as follows :

> Austria, Russia, Great Britain and France guarantee to His Majesty the King of Prussia, his descendants and successors, the possession of (specified parts of the Kingdom of Saxony) in full property and sovereignty.

An obligation was entered into with Prussia which was quite definitely not entered into in regard to any other part of the treaty ; the absence of any such clause, for instance, in regard to the Italian settlement shows that there was no guarantee or obligation to the Italian princes to maintain the state of things there set up. There was such an obligation to Prussia, and strictly speaking this country bound itself to support her, if necessary in arms, in order to prevent the conquest of this part of the kingdom by any other Power. This would have meant that if, as nearly happened in 1851, Prussia had been attacked by a coalition between Austria and Russia, and had been defeated, we should have been bound to intervene, or again, we should have been bound to come to the help of Prussia had she been defeated in the war of 1866. It is merely an illustration, which has strayed into the nineteenth century, of the bad guarantees which were so common in the eighteenth.

The first and third examples introduce something which is, I think, quite new—the conception of guaranteed neutrality. Belgium is the most conspicuous instance, though of course

the Belgian guarantee covered much more than this. As soon as we get the conception of a State which is to be permanently neutral, or of a State binding itself, either for part or the whole of its dominions, to a condition of what is called demilitarization, then it is clear that a guarantee becomes necessary; for if a State deprives itself by treaty of using the ordinary means of defence, it can justly ask that other arrangements shall be made by which it shall have the security which under normal conditions it would assert by war or by defensive alliances. Guarantees of this kind have therefore a peculiar sanctity and it is noticeable that in the whole bulk of the peace treaties of 1919 onwards, almost the only case in which there is anything in the nature of a guarantee is one of this kind.

Apart from the question of guarantees, the procedure adopted at Vienna was of the highest importance, for it inaugurated a new general principle in regard to treaties, and especially in regard to territorial treaties. The arrangements made for the future territorial settlement of Europe before and during the Congress were embodied in a large number of special treaties negotiated in each case between the two or three States immediately concerned. For instance, the arrangements as to Poland directly concerned Russia, Austria and Prussia, and them alone. The cession of Pomerania by Sweden to Prussia and the numerous exchanges of territory in Germany were made in each case by separate treaties, and this is all that was required for legal validity. But the Governments realized that this was not sufficient, and in the words of the preamble:

> Being now desirous to embrace in one common transaction the various results of their negotiations for the purpose of confirming these by their reciprocal ratifications, they authorize their plenipotentiaries to unite in a general instrument the regulations of superior and permanent interest and to join to that Act as integral parts of the arrangements of Congress the treaties, conventions, declaration and other particular acts as cited in the present Treaty.

The result was that the sanction for each one of these particular territorial arrangements was no longer merely a partial and separate treaty. They were endorsed by all the eight Powers who signed the general act of Congress, and in this way became a recognized part of the general European establishment; they were sanctioned by Europe as a whole and each of the States concerned obtained a title for its possessions

of the strongest and most formal character. It also resulted from the adoption of this procedure that each one of the eight Powers had a right to be consulted in any modification of these arrangements, for such a modification involved a change in the conditions set up by a treaty to which each was a party. Each of these States had the right to object to any change and to demand, if it so wished, that the matter should be brought before all the Powers and, if necessary, that a new Conference or Congress should be assembled to deal with it. But we must notice that though each Power had the right to be consulted, it had complete freedom to determine whether or not it should assert this right, and there was no obligation on any one Power as against any other to intervene, as there would have been had a guarantee been given. The practical effect of this, from the point of view of a Power such as Great Britain, was highly preferable. The Government retained full freedom to come to a decision on every occasion when, by war or in any other way, an alteration was proposed in the arrangements set up at Vienna. If it was a matter in which this country was concerned, it could at once intervene and claim that it should be brought before a Conference, as was done, for instance, with regard to Belgium and Denmark. On the other hand, when a change was introduced which the Government considered desirable, as, for instance, the unification of Italy, it was quite free to give its consent, as far as it was concerned, and it remained for other Powers who opposed the change to require that it should be brought before a Conference.

This principle of what is called the Concert of Europe is characteristic of the nineteenth just as the use of guarantee treaties is characteristic of the eighteenth century. It was adopted at the Congress of Vienna, it was extended by the Straits Convention, by the Treaty of Paris and the Treaty of Berlin, to Eastern Europe, and was maintained in the peace treaties of 1919 and 1920. It is, I venture to suggest, infinitely superior to the older system. To give an adequate explanation of its working would require a diplomatic history of the nineteenth century. For our present purpose I need only refer to such well-known illustrations as the claim of Russia to repudiate the Black Sea clauses of the Treaty of Paris, or the claim of Austria-Hungary to annex Bosnia and Herzegovina in 1908. In both cases the action taken by Great Britain was not essentially to object to the modification, but to insist that it must be communicated to, considered by, and ratified

by all the Great Powers. In the same way, though it is not generally realized, Great Britain, in conjunction with Germany, insisted in 1913 and 1914 that the territorial modifications made by the Treaty of Bucharest would not be valid until they had received the formal approval of the Powers who had signed the Treaty of Berlin. An illustration of the manner in which the method of a guarantee was avoided is to be found in the two treaties of 1908 dealing with the territorial status of the Baltic and the maintenance of the territorial integrity of Norway. In both of them it will be noticed that though a principle is carefully laid down, a specific and definite guarantee that the States will go to war in defence of it is avoided.

In the history of the nineteenth century formal guarantees in fact become very rare. The most interesting and important are the guarantee to Belgium, the guarantee to Greece,[1] and the various guarantees given for the territorial integrity of the Turkish Empire. The most important of these is of course the guarantee to Belgium. I propose to say little on the subject except to point out that it is in every particular but one a true and valid guarantee in right form. We have first of all a treaty entered into between Holland and Belgium, a treaty which had been negotiated by, and was eventually imposed on the two principals by the mediation of the five Great Powers. The Great Powers, then, having brought this treaty into being in the old-fashioned manner, equally in the old-fashioned manner, by a separate treaty, bound themselves to maintain it, thereby entering first into an obligation to Holland and to Belgium, and secondly into a mutual obligation to one another. It is not a specific guarantee of the neutrality of Belgium but a guarantee of the whole treaty, one clause of which contains the provision as to neutrality.

In one respect, and one only, the treaty is defective. There is no attempt to specify precisely the nature and extent of the guarantee; this point is left quite indeterminate and it is this which enabled sophisticators to argue that it did not necessarily involve an obligation to go to war. It would have been much better had this matter been precisely dealt with, as it is in the Treaty of Locarno, to which I shall refer later, or as it would have been in earlier years when, to use the more florid language of our ancestors, we should have included something to the following effect:

[1] The paragraphs in this article dealing with the guarantee to Greece are omitted, as it is the subject of a separate and fuller discussion, see pp. 126 *et seq.*

If, however, which God avert, any Prince or Potentate should be so neglectful of his duties as to infringe and violate the said Peace and to bring injury, violence and invasion against the territories of His Majesty the King of the Belgians, then the King of England, the King of France, etc. shall make together a league and confederation for the defence of His said Majesty and before coming to arms they shall summon the aggressor to desist from his iniquitous endeavours. And if he refuse, then they shall in arms come to the help of His said Majesty the King of the Belgians, and the King of England shall get together a gallant and strong army of not less than 50,000 men with ships properly equipped for battle, and they shall protect the territories of His said Majesty the King of the Belgians, and not desist until by force of arms they have expelled the invader and have compelled him to make reparation.

It was the absence of some such clause which gave Mr. Gladstone the opportunity of contending that the guarantee did not really involve any obligation, a contention which I regret to say still finds some support, even in this country. If anyone is inclined to share this view, I would ask him to consider how he would have felt if in 1914, the British Cabinet having adopted this interpretation, it had fallen to him, as their representative, to explain to the Belgians that we had indeed given a guarantee of the treaty of 1839, that it might appear at first sight as if this guarantee involved an obligation to defend Belgian neutrality, but that it had been determined that there was no such obligation, and that the guarantee in fact meant nothing of any kind whatever, and that we therefore proposed to leave them alone without assistance, face to face with the Germans. Would he not have felt, when matters were brought to a practical test in this way, that the proposed conduct was one of indelible infamy, and one which could have been rightly used to support the thesis that the British Government cannot be depended upon to fulfil its obligations ? And, let me add, no country would have been so quick to take up the point as Germany herself.

The classical exposition of the doctrine of the British Government in regard to the responsibilities incurred by entering into a treaty of guarantee is to be found in a memorandum by Mr. Canning.[1] The occasion was the demand by the Spanish Government for a guarantee in 1823 :

The British Government will not (he wrote), in any case, undertake any guaranty (*sic*) whatever, either of territory or internal Institutions. The scrupulousness with which England is in the habit of fulfilling her obligations makes it the more necessary for her not to contract

[1] *v.* Temperley, *Foreign Policy of Canning* (1925), p. 539.

them lightly. A guaranty is one of the most onerous obligations which one State can contract towards another. A defensive Alliance binds the Government contracting it to come to the aid of its Ally in case of an unprovoked attack upon his Dominions; and to make, in his behalf, every reasonable and practicable exertion—practicable in extent, and reasonable in duration. But it does not bind the assisting Government to the alternative of either a successful result, or an indefinite prolongation of the war. A guaranty (*sic*), strictly construed, knows no limits either of time or of degree. It would be, unless distinctly restricted in that respect, claimable in a War commenced by the Power to whom the guaranty (*sic*) is given, as well as in a War of unjust aggression against that Power; and the integrity of the territory of that Power must be maintained, at whatever cost the effort to maintain it is prolonged; nay, though the guaranteed Power itself should contribute almost nothing to the maintaining it. If . . . the engagement is to be restricted in these particulars, it would constitute a unilateral defensive Alliance, but it would cease to be a guarantee.[1]

Never enter into a guarantee if you can possibly avoid it, but if you do so, then see to it that the obligation is made firm and precise and let there be no hesitation about honouring it. It would have been well had this advice been followed during the next fifty years; we should then have been spared the humiliating experience of British statesmen first of all subscribing to a guarantee and then bringing forward arguments to prove that by doing so they in fact incurred no obligation.

It is instructive to contrast with this the language used repeatedly by Mr. Gladstone, when, characteristically enough, he tried to find reasons for evading the obligations of a guarantee. In 1870, speaking of the Belgian treaty, he says:

There is, I admit, the obligation of the Treaty. It is not necessary nor would time permit me to enter into the complicated question of the nature of the obligations of that treaty, but I am not able to subscribe to the doctrine of those who have held in this House what plainly amounts to an assertion that the simple fact of the existence of a guarantee is binding on every party to it irrespectively altogether of the particular position in which it may find itself at the time when the occasion for acting on the guarantee arises.

And again in 1872:

My Honourable Friend, in my opinion, aggravates the evil of guarantees, such as those evils may be, and I do not deny that certain inconveniences may be attached to them, but he aggravates those inconveniences by appearing to attach to a guarantee, as such, a more stringent character than it actually bears. He appears to be of opinion that every guarantee embodied in a treaty is in the nature of an absolute and unconditional engagement, binding this country, under all circumstances, to go to war for the maintenance of the state of things

[1] 18 *Sept.*, 1823.

guaranteed in the treaty. . . . I have often heard Lord Palmerston give his opinion of guarantees both in this House and elsewhere, and it was a familiar phrase of his, which I think others must recollect as well as myself, that while a guarantee gave a right of interference, it did not constitute of itself an obligation to interfere. Without adopting that principle as a rigid doctrine or theory applicable to this subject, on which it is very difficult, and perhaps not very convenient to frame an absolute rule, yet I think there is great force in Lord Palmerston's observation.

He repeats the same doctrine in 1877 in a debate on the Turkish Treaty :

What is the nature and force of these guarantees in general ? Are they to be understood as an abstract, literal declaration, wholly irrespective of all the circumstances which may intervene before the possibility of being called upon to act upon them arises ?

Now, the essence of this doctrine is that a guarantee gives a right to interfere, but imposes no obligation. Mr. Gladstone supports this on statements attributed to Lord Palmerston. I confess that I do not believe that Lord Palmerston ever said anything of the kind. I have searched in vain for any public declaration to this effect. But however this may be, we cannot doubt that on this matter our suffrages should go not to Mr. Gladstone, but to Mr. Canning. Surely the truth is the precise opposite of what Mr. Gladstone asserts. If this country enters into a treaty with another country and that country violates any of the stipulations of the treaty, then we clearly have a right to intervene and assert our rights under the treaty, but there is no obligation to do so. We are free to decide whether in this particular case we are willing to allow our rights to lapse. The whole point of a guarantee is that it alters this state of things : the guarantee is a pledge given to one or more States that if necessary we will intervene to maintain the treaty. We bind ourselves to enforce it and by doing so enter into an obligation which, unless it is precisely limited in some way or another, is a general obligation involving, as in all international transactions, the final sanction of war. The guarantee may be one of different kinds : it may be, as in the original cases quoted, a guarantee of a third party given to one or both of the original treaty-making Powers ; it may be a mutual guarantee between the signatories of the treaty. If there is such a mutual guarantee, then the original signatories of the treaty are bound not only to maintain the terms themselves but to enforce the maintenance of the terms on one another and on everybody else. The difference

between such a guarantee and an ordinary treaty engagement is clear and unmistakable. The object of this paper is to demonstrate this point and as a corollary to establish the principle which Mr. Canning lays down, that guarantees should be entered into very rarely and only after the most careful consideration, but that when they have once been given then they should be scrupulously adhered to. The neglect of this principle has caused grave inconvenience; more than that, it has been one of many causes which again and again has tended to bring about war.[1]

In this connexion the guarantees given by the European Powers for the preservation of the Turkish Empire are particularly instructive. According to article VII of the Treaty of Paris of 1856:

> Their Majesties engage each on his part to respect the independence and the territorial integrity of the Ottoman Empire, guarantee in common the strict observance of that engagement and will in consequence consider any act tending to its violation as a question of general interest.

The question which we have to ask ourselves is what the words 'guarantee in common the strict observance of that engagement' mean? Clearly they do not mean an undertaking to preserve the territorial integrity of the Ottoman Empire against all and sundry: what they apparently do mean is a guarantee that the other partners to the treaty shall and will observe their engagements. This obviously is a very different thing. There is no guarantee on the part of the British Government to defend the Ottoman Empire against attack. As Lord Derby said:

> There is no shadow of a promise in that treaty to make non-observance of other Powers a *casus belli*. The words stop short of that: they carefully avoid any such pledge. . . . As far as that treaty is concerned we are in no sense bound by a promise to fight for Turkey.

The last words, 'will in consequence consider any act tending to its violation as a matter of general interest', in effect explain away the expression 'guarantee'. They imply that there is no guarantee to maintain the territorial integrity of the Turkish Empire but only an obligation not to allow any one of the signatory States to alter the conditions established by the treaty without the assent of all the others. In fact the more we investigate the phrase, the more justified we seem to be in concluding that it has in reality no definite meaning at all.

[1] See also pp. 177–8.

Very different, however, are the words of a separate treaty made between France, Great Britain and Russia a fortnight afterwards, for this does contain a definite and precise guarantee for the maintenance of all the arrangements incorporated in the Peace of Paris:

> Any infraction of the stipulations of the said treaty will be considered by the Powers signing the present treaty as a *casus belli*. They will come to an understanding with the Sublime Porte as to the measures which have become necessary and will without delay determine among themselves as to the employment of their military and naval forces.

This then is a real guarantee. It is, however, instructive to notice that in practice it was completely ineffectual. It is notorious that the States which entered into the Treaty entirely neglected to carry it out, and as reference to the debates in the House of Commons will show, the existence of this treaty with its stipulation to go to war in defence of the Turkish Empire, was one of the main reasons which justified the profound suspicion with which Parliament came to look on all guarantee treaties.

Finally we have the treaty between Great Britain and Turkey, of June 4th, 1878, a treaty by which the Island of Cyprus was ceded to this country.[1] It contains the following clause:

> If Batum, Ardahan, Kars, or any of them shall be retained by Russia, and if any attempt shall be made at any future time by Russia to take possession of further territories of His Imperial Majesty the Sultan in Asia, as fixed by the definitive Treaty of Peace, England engages to join His Imperial Majesty the Sultan in defending them by force of arms.

This in effect is nothing more than a defensive alliance by which England undertakes to support the Sultan against any further encroachment on his territory by Russia. It is therefore not a guarantee treaty in the true sense of the term.

In conclusion, we may make a brief reference to the treaties of Locarno, the last, and not the least interesting in the long series of guarantee treaties. There are in the first place four identical treaties between Germany on the one side and France, Belgium, Poland and Czechoslovakia on the other, by which in each case the two parties undertake, if any dispute arises, not to go to war but to submit the matter to arbitration. What concerns us particularly are the two additional treaties which contain the guarantee. Of these, the first, which is the most important, and the only one in which Great Britain

[1] See pp. 193 *et seq.*

participates, is officially entitled ' Treaty of Mutual Guarantee '. According to this treaty, which itself consists of two parts, the Rhineland Powers, Germany on the one side, France and Belgium on the other, mutually undertake to respect the existing frontiers, not to violate them, and in case any cause of dispute arises between them, not to go to war but to submit the question to arbitration. This agreement contained in articles 2 and 3 is what we may call the basic and original treaty. In addition, two Powers not originally involved, Great Britain and Italy, give their guarantee for the due maintenance of the treaty and undertake, if it is violated, under certain conditions which are precisely set down, to come to the help of the aggrieved party in arms. Here, then, we have a guarantee treaty in full and proper form, for it is one supplementing and giving additional sanction to another treaty, and one which ought to be not only legally valid, but politically effective, because its scope is very definitely restricted and the nature of the sanction by which the original agreement shall be enforced is clearly set out. It is interesting to notice that this conception of a true guarantee treaty is clearly defined in the document which was in reality the beginning of the whole matter, I mean the memorandum communicated by the German Government to France in February 1925. This contains the proposal that 'Germany should declare her acceptance of a pact by virtue of which the Powers interested in the Rhine, above all, England, France, Italy and Germany, enter into a solemn obligation for a lengthy period not to wage war against a contracting state '. The interesting thing is that it was part of the proposal that this obligation should be entered into *vis-à-vis* the Government of the United States of America as trustee. The German Government contemplated that America should act as a guarantor of the original treaty. What has now happened is that the original treaty is limited to France, Belgium and Germany, and that England and not America comes in as the guarantor.

Here, for the moment, the story stops, and it is not a mere accident that our history, which began with the guarantee treaty of 1608, determining and defending the status of the Low Countries, ends with a treaty which once more deals with Belgium and the contiguous territories. Again and again throughout the whole of the narrative, we find that as far as Great Britain is concerned, it is in regard to the Low Countries, and the Low Countries alone, that guarantees have been effective. Here issues were at stake which were clear and

definite in character and which in all circumstances it was worth our while to defend and, as has already been observed, the most satisfactory form of guarantee is one in which the guarantor has a real interest in maintaining the integrity of the treaty and can therefore be relied upon to fulfil his obligations. It is, I think, a just cause for satisfaction that we have got back to a guarantee which in form is very similar to that from which we started. I know no better illustration of the continuity of policy, the maintenance of which is so important, and I see no more valuable contribution that the historian can make, than to investigate and elucidate these matters.[1]

[1] Besides the Parliamentary Paper on *Guarantees* in 1898, p. 150, *n.* 1, some modern applications, *e.g.* to Portugal, 1898–9, will be found in Gooch and Temperley's *British Diplomatic Documents on the Origins of the War*, Vol. I, see esp. pp. 94–5, *Editorial Note*.

CHAPTER V

THE GUARANTEE TO GREECE BY THE THREE PROTECTING POWERS

ARTICLE 3 of the Treaty of the 13th July, 1863, between Great Britain, France and Russia on the one side, and the King of Denmark on the other, runs as follows :

> Greece, under the sovereignty of Prince William of Denmark and the guarantee of the three Courts, forms a monarchical, independent and constitutional State.

The following paper is an attempt to explore the origin and object of this clause. I venture to think that the historical investigation may be of value to those charged with the interpretation of it. It seems to lead to the conclusion that no real guarantee exists, or ever has existed, that the clause as it stands is without meaning, and that such objects as it was intended to secure belonged to a condition of things which has now entirely ceased.

The First Stage, 1827–1830

To explain how this clause originated we must go back to the treaty of the 6th July, 1827, between Great Britain, France and Russia. The object of this treaty was to put an end to the disastrous struggle between the Greeks and the Turks ; the three Powers agreed to offer their mediation to the Porte, to demand an immediate armistice and to propose as the basis of a permanent settlement that the Greeks should become a self-governing community under the Sultan as Lord paramount, paying an annual tribute. Article 6 of the treaty runs as follows :

> The arrangements for reconciliation and peace, which shall be definitively agreed upon between the contending parties, shall be guaranteed by those of the signing Powers who may judge it expedient or possible to contract that obligation. The operation and the effects of such guarantee shall become the subject of future stipulation between the High Powers.

It is in this article that the conception of a guarantee is

introduced. The guarantee contemplated was obviously a real one ; it would be given to the two parties interested, the Government of the Ottoman Empire and the Greeks, and would cover the whole of the proposed settlement. Such a guarantee springs naturally out of the arrangements proposed ; if the Greeks still remained under the suzerainty of the Porte, there would be a natural apprehension that they might in fact be deprived of the privileges which it was proposed to secure to them ; unless specific arrangements were made, difficulties might be put in the way of any of the three Powers who proposed to intervene in disputes which might arise between the Porte and its subjects ; if, on the other hand, their privileges were definitely guaranteed by one or more of the three Powers, then the right, if necessary, to intervene could no longer be disputed.

Some explanation of this article is to be found in a despatch from Mr. Canning to Count Lieven of the 29th August, 1826. The Greeks, in authorizing the British Government to come to an arrangement with the Turks upon terms short of absolute independence, required as a condition *sine quâ non* of any arrangement to be made, the guarantee of Great Britain. In regard to this, Mr. Canning writes :

> As to the required British guarantee, it must be remembered that the demand for that guarantee is put forward by the Greeks in an application addressed to Great Britain alone, and not having in contemplation the joint intervention in their behalf of any other Power or Powers.
>
> When the reasons which induce us to wish to decline undertaking such guarantee shall have been explained to the Greeks, and when the guarantee of other continental Powers, together with that of Russia, shall be offered to them, it is hardly to be apprehended that this difference alone will be an obstacle to a satisfactory understanding.

This is important, for it shows, first, that the idea of a guarantee came from the Greeks, and secondly, that Mr. Canning was not disposed to give any such guarantee, but that he would not oppose one by the continental Powers ; it therefore explains the particular form in which the conception was embodied in the treaty. No explanation of his refusal to join in such a guarantee is required, except the general principle that we should avoid continental commitments. Russia, however, would welcome a guarantee, for Russian policy at this period aimed at establishing the right to the protection of all the Orthodox subjects of the Sultan ; a guarantee would give her the opportunity she desired of extending her influence inside the Ottoman Empire.

It was in virtue of this treaty that the three signatory Powers henceforward assumed the position of the protectors of Greece. From this time, for more than ten years, conferences were regularly held at London by the Secretary of State, the French and the Russian Ambassadors, and also by the representatives of the three Powers at Constantinople, and it was in these conferences that the whole future evolution of Greece was determined. We may note in passing that this seems to have been the most consistent, and on the whole the most successful, illustration of what has since been called 'diplomacy by conference'. The Porte did not accept the proposed mediation, and there followed the battle of Navarino, the Russo-Turkish War (ending in the Treaty of Adrianople), and the occupation of the Morea by French troops. By these actions the three protecting Powers saved the Greek race from the extermination which would otherwise probably have been their fate, and in fact achieved the independence of Greece. The position they thereby acquired as regards Greece has, in spite of changing political relations, continued, so far as Great Britain and France are concerned, to the present day; so far as Russia is concerned, it continued to the outbreak of the revolution.

The next stage which we may here notice is a protocol of the London Conference of the 22nd March, 1829. By this, among other matters, it was agreed that Greece should in future be governed under monarchical forms by a Christian chief or Prince, who was not to be chosen from any of the three families ruling in the States who were signatories of the treaty of 1827; the chief was to be a vassal of the Ottoman Empire. In this protocol we again find the conception of a guarantee in the following words:

> The arrangements indicated above, when concluded with the Porte, shall, in conformity with article 6 of the treaty of the 6th July, be placed under the guarantee of those of the signatory Powers who shall consider it useful or possible to contract this obligation, the effects and the action of which shall be the object of further stipulations between the high Powers in accordance with the said article of the treaty of the 6th July. It is, however, as from this date, understood that the guarantee in question will assure the Ottoman Porte against any hostile enterprise or action on the part of the Greeks, and the Greeks against any hostile enterprise or action on the part of the Porte.

Here also the object and the purpose of the guarantee is quite clear; it is to cover the whole of the arrangements made, and it is to be a guarantee both to the Greeks and to the Ottoman Empire. It would serve the purpose of preventing

any renewal of hostilities. It would enable the Greeks to enjoy in full security their self-government.

During the following months, under the pressure of war with Russia, the Porte, on the 15th August, 1829, declared its adherence to the Treaty of London, and conditionally to the protocol of the 22nd March. On the 9th September it promised to accept all the conclusions of the Conference of London.[1] This leads us to the next stage, which is marked by three protocols adopted by the conference on the 3rd February, 1830. By these it was determined that Greece should no longer remain under the suzerainty of the Porte, but should become an independent State: 'The Government of Greece shall be monarchical and hereditary in the order of primogeniture. It shall be entrusted to a prince who shall not be chosen among those of the families reigning in the States which signed the treaty of the 6th July, 1827, and he will have the title of Sovereign Prince of Greece.' A separate article again states:

> Each of the three Courts will reserve the right assured to them by article 6 of the treaty of the 6th July, 1827, of guaranteeing all the arrangements in the preceding clauses; the acts of guarantee, if there are any, shall be drawn up separately; the action and results of these acts shall be, in accordance with the above-mentioned article, the object of further stipulations between the High Powers.

But a new clause is now added:

> No troops belonging to one of the three contracting Powers will be able to enter on the territory of the new Greek State without the assent of the two other co-signatories of the treaty.

It is here contemplated that there should be a series of definite and formal acts in which the nature of the guarantee would be specifically set out. The guarantee would have applied to the frontiers assigned to the new State, which are specified in one of the articles, and also to other clauses securing permanent peace, equality, and rights of commerce and navigation, amnesty, and arrangements for migration of population as between Greece and Turkey.

A second protocol determined that the throne of Greece should be offered to Prince Leopold of Saxe-Coburg Gotha. There then followed a prolonged correspondence between Prince Leopold and the London Conference concerning the terms on which he would accept the position of Sovereign Prince of Greece. Among the demands which he made were 'that the

[1] *The European Concert in the Eastern Question*, by T. E. Holland.

three Powers would graciously accord to the new Greek State the complete guarantee as well as promise of assistance in case of foreign aggression'. In a letter to the Duke of Wellington of the 9th February, 1830, the Prince again raised the question of the guarantee; he asked whether 'the guarantee promised would be but partial, or at least not so ample and satisfactory as the future head of the Greek Government must necessarily expect. What contingent will the Powers furnish till the Greek Government has become stable? What protection is Greece to have in case of foreign aggression?' The Duke of Wellington in a memorandum says that there must be a treaty between the three Powers and the Porte, and anticipates that this treaty will contain 'a general guarantee'. And again, 'the three Powers, parties to the treaty of July, must give a guarantee of the territory described in the protocol'. It is quite clear, therefore, that the Duke of Wellington, who on this matter was speaking for his colleagues, looked forward to a general guarantee by which the new Kingdom of Greece would be protected from external attack, and on this point the Prince declared himself satisfied. It appears that the decision of Canning not to take part in the guarantee had been changed; an explanation of this is not difficult. The British Government was at this time very suspicious of Russian ambitions; they feared the complete subordination of Greece to Russia, which might lead to the permanent establishment of a Russian naval base in the Mediterranean. The best method of countering this was not to allow Russia to take the leading part as the protector and guarantor of Greece; by joining in the guarantee we should be in a position to check Russian action. However this may be, nothing further was done, for, as is well known, Prince Leopold, for other reasons, declined the position offered him.

The Bavarian Treaty

Up to this time all has been clear. What is contemplated is a formal guarantee given both to Greece and Turkey, embodied in a separate Act and covering the whole of the proposed settlement. Had this procedure been adhered to, no difficulties of interpretation would have arisen; but, as we shall see, it was abandoned. Owing to the retirement of Prince Leopold and also to the revolution in France and the disturbances in Europe (Belgium, Poland, &c.), two years elapsed during which no further progress was made, and Greece, under the government of Capodistrias, fell into a state

of complete anarchy. On the 13th February, 1832, however, the London Conference, as they were empowered to do by the Greek Provisional Government, agreed to offer the throne to Otho, the second son of the King of Bavaria. This arrangement was concluded by a treaty on the 7th May, between the three Powers, on the one side, and the King of Bavaria, on the other ; it contains the terms of the offer and the conditions of acceptance. Article 4 runs as follows :

> Greece, under the sovereignty of Prince Otho of Bavaria, and under the guarantee of the three Courts, shall form a monarchical and independent State, according to the terms of the protocol signed between the said Courts on the 3rd February, 1830, and accepted both by Greece and by the Ottoman Porte.

Now it is on this article, and this article alone, brief and vague though it is, that the whole question of the guarantee since that time has turned. It will be at once observed that there is nothing here corresponding to what had been proposed in the previous documents, viz., a formal guarantee covering the whole of the arrangements given by separate instruments to both Turkey and Greece by one or more of the protecting Powers. Any guarantee would obviously have to be given to Greece and to Turkey ; this treaty is one to which neither Greece nor Turkey was a party, and it cannot therefore contain a guarantee to either of these States. Moreover, if we read it carefully, we see that it does not contain any actual guarantee, but only a promise that a guarantee will be given, which is a very different thing ; an engagement to marry is not the same thing as a marriage. The clause is part of a treaty determining the conditions on which the Bavarian Prince would accept the throne of Greece. These conditions are set out in the rest of the treaty. For instance, one article states what the limits of the Greek State are to be ; this was made effective by an agreement with Turkey of the 21st July. Another article states that a guarantee, undefined, shall be given ; this by itself is no more effective than is the article on the frontiers ; something further is required, and this further requirement could only be a treaty, not with Bavaria, but with Greece or with Turkey, or, alternatively, a treaty between the protecting Powers themselves.

A treaty with Greece was in fact contemplated as is shown by article 6 of the Bavarian treaty :

> The three Courts having beforehand determined to convert the protocol of the 3rd February, 1830, into a definite treaty as soon as the

negotiations relative to the limits of Greece shall have terminated, and to communicate such treaty to all the States with which they have relations, it is hereby agreed that they shall fulfil this engagement, and that His Majesty the King of Greece shall become a contracting party to the treaty in question.

Here then is an undertaking to make a treaty to which Greece, through the King, would become a party; it is in this treaty that the guarantee would naturally be incorporated. In order to understand this we need only refer to the settlement of the Belgian question, which had taken place a few months before. The whole arrangements for the establishment of the Kingdom of the Belgians were first agreed upon with Holland; this having been done, they were also included in a separate treaty between the five Great Powers, on the one side, and Belgium, on the other, and as was quite correct it was in this second treaty that the guarantee was incorporated in the following form:

The Courts of Great Britain, Austria, Prussia and Russia guarantee to His Majesty the King of the Belgians the execution of all the preceding articles.

It was intended to deal with the Greek question on the same lines. The remarkable fact, which has hitherto not been noticed, is that the three protecting Powers failed to carry out this intention; they never executed the proposed treaty with Greece,[1] and therefore did not fulfil their promise to give a guarantee. In fact, no guarantee of any kind was given.

It may be objected that all this is mere legal technicality; the important thing is that the three Powers definitely stated their intention of giving a guarantee; this was sufficient and practically amounted to a guarantee. Such a doctrine would be a most dangerous one, especially when we consider how very reluctant Parliament has always been to approve permanent commitments of this kind. But if we were to adopt this view we should then have to inquire more precisely what was the scope of the guarantee. There are three points which it might cover: independence, the integrity of the frontiers and the monarchical character of the State.

The first need not trouble us; the overt overthrow of Greek independence, her reconquest by Turkey, or her annexation by any other country, would be an act of such a nature that

[1] See Holland, p. 35; he draws attention to the non-execution of the treaty, but does not note the importance of this in relation to the guarantee.

without any guarantee the British Government must certainly have intervened.

The integrity of the frontiers is the principal point which would have been included in any formal guarantee. It is, however, not specifically mentioned in article 4, and as there is no other document bearing upon it, all we can say is that the frontiers of the new State had just as much and no more security than those assigned to any other State by treaty, and that the British Government had no more responsibility for maintaining them than it had for the maintenance of other States in the establishment of which it had taken part, as, for instance, Holland.

There was, I think, a very real reason why a guarantee of the frontiers was not given. The Porte, before signing the instrument by which it surrendered the territory, asked for an engagement by which Greece should be debarred from making war upon Turkey, or joining with any other State which was at war with Turkey. A condition of things was obviously apprehended in which, Greek independence and Greek territory having been guaranteed, Greece might join in a war against Turkey, confident that if she and her allies were defeated, her frontiers would remain inviolate, while if they were successful, she would annex further Turkish territory. The point is a perfectly just one. In fact, it does not seem legitimate that a guarantee for the territories of any State should be given unless at the same time it is condemned to perpetual neutrality, as in the case of Belgium and Switzerland. The request of Turkey was refused on the ground that Greece was to be a fully independent State and not neutral, but it is probable that it served to disclose the illogical position in which the Powers would find themselves if they guaranteed the territory, but at the same time allowed Greece to enjoy the privilege of going to war in accordance with her position as an independent State. This point still applies, and there is, I think, no case where a guarantee of this kind has been given.

It has generally been assumed that by this article of the Bavarian treaty the three Powers, at least, guaranteed the maintenance of the monarchy. If so, to whom was the guarantee given? It clearly was not to Bavaria, for as the whole purport of the treaty was to state the conditions on which a Bavarian Prince should rule in Greece, there could be no sense in incorporating in the treaty a guarantee of the Monarchical Constitution. There could not be a ruling Prince or King without a monarchy. There would have been some sense in

the Powers guaranteeing the permanence of the Bavarian dynasty; this, however, they clearly refrained from doing and, when the dynasty was overthrown, they quite definitely stated that they had no responsibility for restoring it. Again, it would have been possible for the three Powers to have entered into a mutually binding obligation that if at any time a republic were proclaimed in Greece, they would intervene in arms in order to restore the monarchy. An engagement of this kind would have been a very serious thing which would require the most careful consideration and wording, and no such agreement was made. Moreover such an agreement would have had no binding effect upon Greece herself unless it had been officially communicated to and accepted by the Greek Government. It is often thought that a guarantee of the monarchy would take the form of a guarantee to Greece. This is not the case; on the contrary it would have required a guarantee given by Greece to the protecting Powers. If the original intention had been carried out, there would have been a double obligation—the three Powers undertaking the protection of the Greek independence and territory, Greece, on the other hand, undertaking to maintain the monarchy, and to recognize the right of the protecting Powers to intervene if the monarchy were overthrown. No such engagement was ever entered into, and the Greek Government and the Greek nation could perfectly justly maintain that the Powers had no more right to intervene in Greek internal affairs than they had to intervene in the internal affairs of any other State on the continent of Europe, except in regard to such matters as the succession to the throne, which were specifically dealt with in the treaty by which Prince Otho became King.

The Change of Dynasty

This lengthy discussion of the treaty of 1832 is necessary because without it the events of 1863 and the arrangements then made cannot be fully understood. To them we will now pass. The intervening thirty years need not detain us. The state of Greece remained most unsatisfactory; the Government of Otho was unpopular and incapable. There was repeated interference in Greek affairs, but on no occasion was such interference justified by reference to the supposed guarantee of 1832. The British Government based remonstrances and advice which they offered to the Greek Government not on this but on the financial rights which they enjoyed in consequence of the loans which they had made to Greece, in virtue of which they claimed

some control over the financial administration. This was in accordance with the advice of Mr. Wyse, who, in a despatch from Athens in 1856, expressed the opinion that active interference, in order to be free from objection, must be based on the rights assured to the three protecting Powers by those provisions of the convention of 1832 which relate to the repayment of the loan ; they should be based, that is, on the financial rights of the Allies and not on the rights under the general guarantee. The important point is that whatever the supposed guarantee might be, it was apparently never used and never appealed to.

In October 1862 King Otho was deposed. The policy of the British Government at this crisis is shown in a characteristic despatch of Lord Russell of the 6th November :

> The Kingdom of Greece having by the transactions of 1832 been acknowledged as an independent State, the people of Greece are entitled to exercise the rights of national independence ; and one of the rights which belong to an independent nation and of the exercise of which the history of Europe affords many examples, is that of changing its governing dynasty for a good and sufficient cause.

There was, therefore, to be no attempt to reinstate either King Otho or any other member of the Bavarian Royal Family. The treaty of 1832 lapsed owing to events for which the signatory Powers had no responsibility. Apparently, Lord Russell's interpretation of the rights of an independent nation did not go beyond the right to change the dynasty, and did not include the establishment of a republic. In a despatch of the 16th May, 1863, he states :

> Her Majesty's Government think it incumbent upon them to state without reserve that they consider it an urgent and imperative duty on their part to endeavour to replace Greece under a Government conformable to the monarchical principle which they have an interest to maintain in a State to the foundation of which Great Britain has in concert with other Powers so greatly contributed.

In the policy of maintaining the monarchy, he depended not so much on old treaty rights or on the supposed guarantee, as on the promise that if the Greeks maintained a constitutional monarchy, and chose a Sovereign against whom no well-founded objection could be raised, the British Government would bring about a union between the Ionian Islands and Greece.

Next in order of importance came the mutual agreement between the protecting Powers that no member of their ruling Houses should be elected King. In virtue of this, the election

of Prince Alfred did not become effective, and the Russians withdrew their candidate, the Duke of Leuchtenberg, and eventually it was agreed that a Prince of Denmark should be chosen King.

In order to regulate matters the three protecting Powers reverted to the old procedure, and the affairs of Greece were finally settled at a series of conferences held at the Foreign Office in May 1863. They first of all recognized the deposition of King Otho ; then they recognized the decree by which the Greek National Assembly had unanimously proclaimed the youngest son of the King of Denmark as King of the Hellenes. At a further meeting of the 26th June they came to a resolution, which for our purposes is of some importance ; they put on record that an agreement had been established between their Courts to the following effect :

> With regard to the guarantee of the political existence and of the frontiers of the Kingdom of Greece, the three protecting Powers maintain simply the terms in which it is expressed by article 4 of the convention of the 7th May, 1832. It is agreed that the Ionian Islands shall be included in that guarantee when their union to the Hellenic kingdom shall have obtained the assent of the parties concerned.

Here then the representatives of the three Powers commit themselves definitely to the position that there was at this moment in existence a guarantee and that they propose to maintain and continue it, and from this time onwards, during all the negotiations which took place owing to the expulsion of the Bavarian and the establishment of the Danish dynasty, they speak of themselves as the guaranteeing Powers. It is indeed from this period, and not from 1832, that we first hear of the guarantee as an important element in the international situation, but if the preceding paragraphs are correct, these representatives were throughout acting on a misapprehension ; the guarantee which they professed to maintain and continue, a guarantee which in subsequent documents was more specifically defined as being one of the independence of the Kingdom and the integrity of the frontiers, was in fact non-existent.

The three Powers however acted on the principle that they would continue an already existing guarantee, and in accordance with this, following precisely the procedure of 1832, they made a treaty with the King of Denmark by which he, for his son, who was a minor, accepted the throne of Greece, the protecting Powers determining the conditions on which he should be appointed ; and in this treaty two articles were inserted dealing with the guarantee. They are as follows :

3. Greece, under the sovereignty of Prince William of Denmark and the guarantee of the three Courts, forms a monarchical, independent and constitutional State.

And—

5. The Ionian Islands, when their union with the Kingdom of Greece shall have been effected, shall be comprised in the guarantee stipulated by article 3 of the present treaty.

Another important change is the addition of the word 'constitutional'. That this should be made was natural enough. There had, during the preceding thirty years, been much unfavourable comment on the fact that the protecting Powers, while they showed great interest in the maintenance of the monarchy, had not concerned themselves with the rights of the people. This was a point which Lord Russell was not likely to ignore. But we are again confronted by the difficulty which we found in interpreting the treaty of 1832. If there is a guarantee of the monarchical and constitutional nature of the State, what does this mean? To whom is it given? Did Great Britain by this bind herself to interfere, if necessary by force of arms, to restore the monarchy if a republic were proclaimed, or to restore the constitution if there were a *coup d'état*? Could she, in either of these cases, call on the other protecting Powers to act with her, and was she herself bound to them to intervene if they demanded it? And in the case of disturbances in Greece, had one party or the other the right to call for the support, if necessary the armed support, of the three Powers? These are all essential questions, and unless an answer can be given to them the clause has no meaning. And there is a further point which deserves attention. In order that a Government shall be constitutional, two things are required: there must be a constitution, and the Government must be carried on in accordance with it. The first might be a simple matter of fact, the second at once introduces serious complications. It involves a judgment as to whether the acts of the Government are in accordance with the constitution; it might easily be construed as being a guarantee of the existing constitution, and also a right of authoritative interpretation, but the latter would subject all acts of the King and Government to the judgment of an alien court; it might be made the basis for constant interference in all the details of government—surely a most undesirable result.

In one other particular the action of 1863 went beyond that of 1832, for the treaty with Denmark was officially communicated

to the Greek Government, and apparently was accepted by them.

Moreover, there followed a further treaty dealing in greater detail with the question of a guarantee, the treaty of the 29th March, 1864, between the three protecting Powers, on the one part, and the King of the Hellenes on the other, respecting the union of the Ionian Islands to the Kingdom of Greece. The relevant passages in it are as follows; first a paragraph in the preamble to the following effect:

> In virtue of article 5 of the treaty signed at London on the 13th July, 1863, it was moreover agreed, by common consent, between Her Britannic Majesty and their Majesties the Emperor of the French and the Emperor of all the Russias, that the Ionian Islands, when their union to the Kingdom of Greece should have been effected, as contemplated by article 4 of the same treaty, should be comprised in the guarantee stipulated in favour of Greece by the Courts of Great Britain, France and Russia, in virtue of the convention signed at London on the 7th May, 1832.

Secondly, the second paragraph of article 1:

> Her Britannic Majesty, His Majesty the Emperor of the French and His Majesty the Emperor of all the Russias, in their character of signing parties to the convention of the 7th May, 1832, recognize such union (that is, the union of the Ionian Islands with the Kingdom of Greece) and declare that Greece, within the limits determined by the arrangement concluded at Constantinople between the Courts of Great Britain, France and Russia, and the Ottoman Porte on the 21st July, 1832—including the Ionian Islands—shall form a monarchical, independent and constitutional State, under the sovereignty of His Majesty King George, and under the guarantee of the three Courts.

There was good reason why a guarantee should be given to the Ionian Islands, for they, unlike the other Greek territory, were to be perpetually neutral, and as has already been pointed out, a territorial guarantee is a natural accompaniment of the status of neutrality. These two quotations show clearly that the protecting Powers did not consider that they were giving a new guarantee, but only that they were continuing the guarantee which had already been given in 1832. The guarantee of 1863 is therefore identical with that of 1832, and is based on the treaty of that year.

These are the facts. I will confess that after the most careful study I am quite unable to understand what it all means; one can sympathize with Lord Grey when he observed in 1916 that he was glad to find that he was relieved from the invidious task of giving an interpretation to the article.

But unsatisfactory as the whole thing may be from the

purely juridical point of view, we must recognize that the practical result was much more convenient than would have been the case had a formal and clearly stated guarantee been given, the scope of which was precisely defined. To give a guarantee of such a nature is a very serious matter. It binds the country which does so, and compels it to a course of action which may in changed circumstances be most undesirable. Anyone, for instance, can see that it might be extremely inconvenient to this country to be obliged to intervene in a civil war or revolution which took place in Greece. What had been done was so vaguely expressed that it could not be said that anyone had the right to demand our intervention, while on the other hand, the language used was of such a nature as to indicate that we had the right to intervene if we chose. Greece herself was a partner to this last treaty, and the Greeks therefore could clearly not object to our intervention, nor could the two other protecting Powers. We were therefore in the favourable position that we could when any crisis arose interpret our obligations in any way which might be convenient to us.

During the half-century succeeding these events it does not appear that on any occasion the protecting Powers attempted to enforce their rights or to make the guarantee effective. The internal condition of Greece continued to be extremely unsatisfactory, and Lord Clarendon, in a despatch of the 30th September, 1865, authorized Mr. Erskine to give advice and warning to the Greek Government and the party leaders on the grounds that 'the state of Greece is such as not only to justify the keenest feeling of disappointment, but the most anxious apprehension on the part of all the Powers who were instrumental in the establishment of a Greek kingdom, and who are by treaty the special protectors of Greek independence'. And in another passage he says:

> It is the earnest wish of the three Powers not to interfere in the internal affairs of Greece. They desire, in the fullest sense of the term, to respect her independence; but, having actively endeavoured to meet the wishes of the Greek nation, by inducing a European Prince to occupy the throne, which, by the will of the people, had become vacant, they cannot conceal their uneasiness at the unfortunate position in which that Prince is now placed.

No actual intervention in the affairs of Greece took place, and when at a later period Greece became entangled in war with Turkey, Great Britain, with the other protecting Powers, acted as a member of the Concert of Europe, and not on the

ground of any special rights which might have belonged to her. It was not till after the outbreak of war in 1914 that for the first time an appeal was made to the special privileges secured to the three protecting Powers.

The War

The outbreak of war in 1914 was to bring the first formal application of the treaties of 1863. Once more we get back to a political constellation similar to that of 1827 when Great Britain, France and Russia formed a group in opposition to Turkey, Austria and Prussia. In these circumstances, the treaties of 1832 and 1863 obviously provided a convenient justification for intervention in Greek affairs. Any such intervention or any interference with Greek neutrality had to be very carefully safeguarded because of the effect that might be produced on public opinion. The fact that we had entered the war as protectors of Belgian neutrality produced among those who are not versed in these matters a belief that there was something fundamentally wrong and contrary to international law in a belligerent violating the neutrality of another State. It was easy for hostile propagandists to obscure the point that the violation of Belgian (or of Swiss) neutrality was something quite different from the violation of the neutrality of a fully independent State, and it was constantly represented that our action in Greece was on a level with German action in Belgium. In these circumstances, it was clearly most convenient to base any action which we took on rights which we derived from treaties to which Greece herself had been a partner. This is the explanation of a collective note which was presented by the three Allies to the Greek Government on the 21st June, 1916. After an enumeration of acts by the King, which appeared to be unconstitutional, we find the following sentence :

> Celles-ci (les Puissances garantes de la Grèce) ont non seulement le droit, mais l'impérieux devoir, de protester contre de pareilles violations des libertés dont elles ont la garde vis-à-vis du peuple grec.

And again the Allies refer to themselves as—

> s'appuyant sur les droits qu'elles tiennent des traités et qui se sont affirmés pour la sauvegarde du peuple grec, chaque fois qu'il a été menacé dans l'exercice de ses droits ou dans la jouissance de ses libertés.[1]

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[1] This note was drafted in French, and is therefore quoted in that language.

And, in accordance with these rights, they make a series of precise demands, including a change of Ministry, the dissolution of the Chamber of Deputies, new elections and the dismissal of certain police officials.

In this document, therefore, the three protecting Powers claim that under the treaties of 1863 they have the right to review the actions of the Greek Government and to require the King and his Ministers to reverse any acts which seem to them inconsistent with their interpretation of the existing Greek Constitution ; the guarantee that Greece shall be a constitutional State is extended to a general power of reviewing and revising anything done by the Greek Government.

It would probably have been very difficult to justify this action had it been taken during a time of general peace, or had it been formally challenged. The implied contention of the note was that the King had so far violated the existing Constitution that there had ceased to be constitutional government in Greece. But M. Venizelos himself pointed out that the action of the King, however contrary to the spirit, was always carefully based upon the letter of the Constitution. And if we sought to justify our action by reference to the general spirit of the Constitution, a very serious matter was at issue. It was argued by writers in the English press that the King's action was unconstitutional because he claimed for himself the personal right of controlling the foreign policy of Greece. This, it was contended, was unconstitutional ; foreign policy must be determined by the nation. But this argument assumes that the constitutional practice of all other countries must be identical with that of Great Britain. It was the general practice in European constitutions drafted during the nineteenth century, deliberately to leave the control of foreign policy to the King ; this was an essential point, and a careful reading of the Greek Constitution of 1864 might well lead to the conclusion that in regard to this matter the position of the King was quite different from that of the Crown in this country. In fact, we may say that one of the chief reasons why the protecting Powers insisted upon having a monarchy in Greece was that they relied upon the influence of the King to keep in check the reckless policy of wanton attack upon Turkey which was often advocated by some of the party leaders in that country. However this may be, the essential point is that it is not necessarily inconsistent with constitutional government that the King should have a privileged position in the management of foreign affairs. The fact that he used

this position in a manner inconvenient to the Allies had of course nothing to do with the matter. The action of the protecting Powers however was not officially challenged; the Greek Government at once accepted all the demands presented to it, and the King himself was soon afterwards dethroned. The action of the protecting Powers was the subject of strong animadversion by the adherents of the King, who represented that it was an unwarrantable interference with Greek independence.

Action at the Peace Conference

Whatever interpretation may be given of the treaties of 1863, there will, I think, be a general agreement that a system which might be quite useful and desirable at that date had become a complete anachronism by the end of the war. The guarantee, if it existed, was one (*a*) of the independence and frontiers of Greece and (*b*) of the monarchical and constitutional character of the State. A guarantee of the independence and of the frontiers might well seem necessary when Greece was a very small country with a population of about a million, the whole Government of which was in extreme disorder and which had no land frontier except with Turkey. We can quite understand that no foreign Prince would be willing to accept the sovereignty of such a State unless he was assured to some extent of external support. In 1919 the situation had completely changed. Greece had become a State of considerable size; she took a leading and independent part in Balkan affairs; in conjunction with the other Balkan States she had almost completely driven out the Turks from Europe; she had annexed a large extent of territory, and had frontiers with Albania (possibly with Italy), with Serbia and with Bulgaria. There seemed no reason why the territory of a State in this position should have any permanent guarantee different from that awarded, for instance, to the other Balkan States. Quite apart from this, a serious question would obviously arise as to whether the guarantee given in 1863 extended to those accessions of territory which had been made since that date. If it did not it was of no use; if it did was there any reason why this country should guarantee to Greece, for instance, the town of Salonika, any more than it should guarantee to Serbia the possession of Macedonia? We have only to state the case to show how undesirable was the continuation of the old system.

It is just the same with regard to the guarantee of internal government. Whether or not it was desirable that this

country should intervene in the case of a revolution or *coup d'état* in Greece was a question which must be considered, if such an event occurred, entirely upon its merits and with regard to other engagements which we might have at the time. No reason could be given why the maintenance of the monarchy in Greece was more essential than the maintenance of the monarchy in Portugal or in Serbia. The action taken during the war had, moreover, made it much more difficult to continue the system of 1863. If the principles then adopted were to be upheld, Greece was not a fully independent State ; she could not be trusted to manage her own affairs ; she was under tutelage ; France and England could claim the right of revising the acts of the Government, determining whether they were in accordance with the Constitution, deciding whether an election had been properly held and whether police officials were suitable persons for their office. Would it be possible to adopt this attitude towards a State to which at that very moment we were prepared to assign the government of large districts both in Europe and in Asia ? Any proposal to assert afresh the powers already claimed could only have the result of arousing a strong national protest and of alienating from the protecting Powers the sympathies of the whole Greek nation.

There seemed, therefore, every reason to get rid of engagements which might prove embarrassing. Such an opportunity was given during the conference at Paris in connexion with the drafting of the minorities treaties. It had been determined by the Supreme Council that the principle of the minorities treaties should be applied not only to the new States, Poland and Czechoslovakia, but also to the Balkan States, all of which were receiving large accessions of territory. The committee charged with preparing these treaties pointed out that if these States were to be bound by new obligations to the League of Nations, it would be desirable to free them from old obligations of a similar character, which they had undertaken under the Treaty of Berlin and at other times, towards the Great Powers of Europe. It would have been undesirable that, side by side with the new system by which the responsibility for the protection of minorities was assumed by the League of Nations, there should remain fragments of an older system by which religious liberty was placed under the guarantee of certain other States. The older system had never worked well ; in the case of Roumania it had been shown in practice that it was impossible for the five Great Powers to enforce on the Roumanian Government the obliga-

tion to give full equality to the Jews, to which she had bound herself. In fact, the state of things in which a sovereign and independent State was bound to admit a certain interference by other States in her internal affairs was one which, if ever, could only be justified when a country was, as Greece had been in 1832, obviously not in a condition to be trusted with the complete management of her own affairs; it was quite inapplicable to States which, like Roumania and Jugoslavia, had a population of some twelve million. It was therefore undoubtedly desirable to sweep away the old system altogether and, so far as any restrictions remained necessary, to place them in the hands of the League of Nations.

When the committee came to deal with the Greek treaty, it was found that the obligations by which Greece was bound were numerous; there was, for instance, an undertaking to maintain the principle of religious liberty which was part of the system of 1832. In accordance with the general principle adopted, Greece would necessarily be freed from this. It was natural to suggest that at the same time she should be freed from the much more serious limitation of her complete internal independence implied in the guarantee clause of the treaties of 1832 and 1863. The clause was an obvious anachronism and, moreover, its abolition would be highly acceptable to Greek public opinion. It had been the occasion of the allied intervention in 1915 and 1916. The Constantists had proclaimed themselves as the upholders of Greek independence against the servitude imposed by the guaranteeing Powers and the nation as a whole could not fail to look with satisfaction upon the ending of a system that might conceivably have been used to justify intervention less favourable in its results to the interests of Greece.

Eventually, therefore, the following clauses were inserted in the draft treaty with Greece:

> France and Great Britain hereby renounce, so far as they are concerned, the special rights of supervision and control devolving upon them in relation to Greece under the Treaty of London of the 7th May, 1832, under the Treaty of London of the 14th November, 1863, and, as regards the Ionian Islands, under the Treaty of London of the 29th March, 1864.
>
> France and Great Britain, recognizing that under the present treaty Greece undertakes obligations for the maintenance of religious liberties which are placed under the guarantee of the League of Nations, hereby renounce, so far as they are concerned, the rights conferred upon them by the Protocol (No. 3) of the Conference of London of the 3rd February, 1830, to ensure the protection of religious liberties.

This was approved by the Supreme Council on the 3rd November, 1919, apparently without discussion, and the treaty was signed at Sêvres on the 10th August, 1920. A long delay then took place ; it was however eventually ratified and came into force on August 6th, 1924, and so the guarantee of the three Powers to Greece at last gave up its phantom existence.

June, 1922.

CHAPTER VI

THE PROBLEM OF SECURITY

THE three following essays have been grouped together because they all deal with the same subject, the problem of security and of the establishment of some kind of guarantee for the permanence of the Peace settlement. It has been thought advisable to print them in full, although this necessarily entails a considerable amount of repetition and although many of the solutions here tentatively suggested have in the meantime become accomplished facts. Each essay should be read in the light of the time at which it was written. As they stand they provide an interesting commentary both on the development and on the continuity of policy. The main argument is that this country, in accordance with its interests and traditions, is fully justified in entering into a formal guarantee, provided that it is one definite in character and limited in scope. This, however, need not take the form of a unilateral guarantee to France; it is not incompatible with the wider conception of a mutual guarantee in which Germany should participate—a conception which has since been realized by the Locarno Treaties. The essays may perhaps derive a further interest from the fact that they recall to our minds the state of feeling in Europe before the new sense of security had been achieved, for it is the history of the immediate past which is most easily forgotten and from which we are too much inclined to turn our minds with impatience.—THE EDITORS.

I

THE GUARANTEE TREATIES, 1814–5—1919 [1]

A COMPARISON

It is of interest, and may be of use in connexion with the discussions for a guarantee treaty with France, to recall the precedents afforded by the arrangements made at the con-

[1] [Technically it is scarcely correct to refer to the treaties of 1814 and 1815 as 'guarantee' treaties; they are actually treaties of defensive alliance. Nevertheless, the expression is used here because it has become universally current in connexion with these treaties and because they did in fact contain something very similar in nature to a true guarantee; see p. 114.]

clusion of the Napoleonic wars. The situation was in many ways curiously similar to that at the end of the late war, and though it is always dangerous to press historical analogies too far, it is none the less instructive to compare the manner in which a problem of the same kind was dealt with in the past.

The circumstances were very similar. Europe had suffered from a series of wars which had lasted twenty years, and these were due to the 'aggression' of France. This aggression on the part of France was no new phenomenon. Just as now the French count up the different invasions of their country by Germany during the last century, so in 1814 the Germans could look back on a series of similar invasions. The two ravages of the Palatinate, the annexation of Alsace and Lorraine, the campaign of Blenheim, the Seven Years' War, were then as much present in men's minds as the campaigns of 1793, 1814, 1815 and 1870 are in the minds of Frenchmen of the present day. But during the last war this aggression had assumed a new form. Though at the end it had been identified with the personal ambitions of Napoleon, it had originated with the Revolution, and in the opinion of the time 'revolutionary doctrines' played a part similar to that which 'German militarism' does to-day. They were the bugbear of Alexander and Metternich, just as German militarism is the bugbear of the French press and of M. Clemenceau. It could not be expected that the danger of a renewal of the war would necessarily cease even if victory had been attained; it was necessary to guarantee Europe against a fresh outburst from France, just as it is supposed now to be necessary to guard Europe from a fresh outburst of German militarism. Any such outburst would inevitably be based on a union of the older nationalism with the new revolutionary spirit. A guarantee was especially necessary in regard to the settlement of the left bank of the Rhine. National feeling in France had been taught to regard the Rhine as the natural frontier. At that time Germany was weak and divided. The hold by the German States (Bavaria and Prussia) to which this district was assigned was at first precarious. There would always be a danger of some French Government trying to win popularity at home by a fresh attempt to secure the Rhine territory. It was necessary, therefore, to give to Germany and Belgium special guarantees, just as now it seems necessary to give such guarantees to France.

Then, as now, there was a marked difference of view between the continental allies and this country. The continental

Powers—Austria, Russia and Prussia—again and again attempted to persuade the British Government to come into some general guarantee for the whole of the peace settlement. This the British Government always refused, though in 1815 Castlereagh came near to accepting it; they did not wish permanently to entangle themselves in complex European problems. On the other hand, while they refused to allow themselves to be carried away by the exaggerated apprehensions of their allies, they always recognized a definite and limited responsibility to protect the settlements of 1814 and 1815 against any further outburst from France. This distinction between a general guarantee and one which was strictly limited and defensive is of great importance.

If the general situation was similar, so also was the position of the British Government. The objects to be attained were determined by the fundamental requirements of British policy and were quite independent of the personality of the statesmen. In continental affairs their function was first and foremost to act as a moderating influence, and on both occasions they found themselves compelled to cut down the immoderate demands of their continental allies which, if accepted, must produce a situation from which a fresh war would inevitably arise at the earliest opportunity. At the same time they had to assure themselves that there were sufficient guarantees that the terms of peace would be really carried out. Apart from this, they wished to avoid responsibilities and commitments upon the continent. On both occasions they had great difficulties to meet. At home, the hatred and indignation against France during the Napoleonic wars was comparable in its bitterness to that recently aroused against Germany, and public opinion would have welcomed the harshest terms. Abroad, the Prussian attitude towards France was very similar to the present French attitude towards Germany. In 1815 Humboldt wrote:

> It is a dangerous error to think that we can conciliate French opinion by concessions and generosities;

in 1919, M. Clemenceau said:

> In England the view seemed to prevail that the easiest way to finish the war was by making concessions. In France the contrary view was held, that it was best to act firmly. The French people unfortunately knew the Germans very intimately and they believed that the more concessions were made the more the Germans would demand.

In 1814, however, the task of the British Government was easier than it was 100 years later, and they carried it through

with greater success. It is worth while for a moment to inquire into the reasons. First we must note that in the war itself our successes had been more striking and attained with less relative loss ; the strain on the country, notwithstanding the greater length of the war, had been less severe. This was ultimately due to the fact that we had reserved our efforts much more for naval warfare and had not committed ourselves to taking part in the main struggle on the continent with an army equal in size to that of the continental Powers. But apart from this, the diplomatic conditions were throughout more favourable. The fact that the peace settlement was arranged in Paris and not in Berlin (I refer, of course, to the treaty with France, not to the settlement of the further points which was reserved for Vienna) was important. In 1814, owing to the fact that the allies occupied Paris, they had the fullest knowledge of the condition of affairs in France, they were in constant communication with the leaders of the different parties, and this undoubtedly strengthened the hands of those who wished for moderate terms. Had the treaty with France been dictated from Berlin, the result would have been very different. Again, it is impossible to overestimate the advantage which the British Government derived from the position attained by the Duke of Wellington in 1814, and still more in 1815. It is inevitable that at the end of a great war military opinion should play a large part even in political affairs, but military opinion then was chiefly voiced by the Duke of Wellington. None of the other commanders could approach him in authority or in wisdom. He was one of the very few successful generals who have avoided the grave blunder of subordinating political to strategical considerations. In 1919 the French demands were to a large extent those of Marshal Foch, and in this respect he did not show the insight of his great predecessor. Moreover, Lord Liverpool's Government had a stronger position as against the immoderate demands of public opinion than any Government can have now under more democratic conditions, and in foreign policy, success can only be obtained when the rulers of the country, who necessarily look farther ahead, can, if necessary, withstand the temporary passions of the people. Furthermore, there was a great difference in the actual diplomatic methods. Throughout, the negotiations were in the hands of Lord Castlereagh, who was Secretary of State. In the negotiations both at Chaumont and at Paris he had a great advantage over his allies, arising from the fact that he was not head of the Government. When a difficulty arose he

could always protect himself by reference to his instructions, and it was not possible to overcome his resistance in the same way in which the opposition of men such as the Tsar or the Austrian Emperor or their first Ministers could be overcome, by timely appeals based on a knowledge of their personal characteristics. Moreover, the very fact that Castlereagh had to act under instructions forced him to justify each step that he took by long letters of explanation to the Prime Minister and the Cabinet. These despatches are not only of value for historical purposes, but the writing of them certainly helped the actors clearly to formulate their principles and objects; nothing is so helpful in complicated affairs as the necessity for explaining and defending each step. This gave a valuable consistency and firmness to the handling of the discussions.

The story begins with the Treaties of Chaumont of 1814, concluded between Great Britain and Austria, Russia and Prussia. By these treaties the allied Powers bound themselves (if France refused the conditions of peace offered)—

> to apply all the means of their respective States to the vigorous prosecution of the war against that Power, and to employ them in perfect concert in order to obtain for themselves and for Europe a general peace, under the protection of which the rights and liberties of all nations may be established and secured.

But the treaty went far beyond this. It included a series of clauses by which the allies agreed 'to guarantee to Europe and to themselves reciprocally the continuance of the peace', and also agreed to make 'defensive arrangements for the protection of their respective States in Europe against every attempt which France might make to infringe the order of things resulting from such pacification'. If any one of them was threatened with an attack by France, the others were to employ their most strenuous efforts to prevent it by friendly interposition, and, if this proved ineffectual, by military support. A series of clauses determined the number of troops which each of the allied Powers would contribute in the eventuality of a fresh war with France. This treaty was to last for twenty years. Article 16 is as follows:

> The present treaty of defensive alliance, having for its object to maintain the equilibrium of Europe, and to secure the repose and independence of its States, and to prevent the invasions which during so many years have desolated the world, the high contracting parties have agreed to extend the duration of it to twenty years, to take date from the day of its signature, and they reserve to themselves to concert upon its ulterior prolongation three years before its expiration, should circumstances require it.

We see then that the allies, even before the victorious conclusion of the war, bound themselves to protect the liberties of Europe against the danger of French aggression for twenty years to come. The whole treaty, and in particular this clause, was solely due to Castlereagh. It was he who insisted on a general treaty of alliance and on making this continue after the conclusion of the war as the only method of securing the peace of Europe. This treaty was a landmark in the history of Europe; its influence was felt for nearly a generation. Sorel says:

> Il gouverna l'Europe jusqu'en 1848 et fonda cette coalition des quatre qui, tant de fois disloquée, se reconstitua chaque fois que la France montra quelque velléité de sortir des limites que les alliés prétendaient alors lui imposer.

It was hoped that it would be 'a refuge under which all the minor States, especially those on the Rhine, might look forward to find their security on the return of peace, relieved of the necessity of seeking a compromise with France'.

It was just because he had secured this general alliance that when the negotiations took place at Paris as to the terms to be imposed upon France, Castlereagh was able to combat the excessive demands of the Prussians, and, in particular, together with the Duke of Wellington, to frustrate the German desire for the annexation of Alsace-Lorraine. The two aspects of British policy must always be considered together: just and moderate terms of peace and full security that these shall be observed. By moderation it was hoped to facilitate the task of the restored monarchy in France. With this object in view it was desirable to avoid unnecessary humiliations or excessive demands which would weaken the position of the Government, but it was equally essential that the allies should, if their hopes were deceived, present a firm front against any fresh outbreak of French nationalism or revolutionary sentiment.

The general principles of this alliance became operative on the escape of Napoleon from Elba. It was in strict accordance with the policy inaugurated by Castlereagh that representatives of the four Powers on the 13th March, 1815, at Vienna, signed a protocol in which they declared that they were firmly resolved to maintain the Treaty of Paris in its integrity, and would use all their efforts to prevent the general peace, which, in accordance with the wishes of Europe, it was the constant aim of their work to maintain, from being again

disturbed, and on the 25th March they entered into a fresh treaty with the object of applying to the new circumstances 'the principles consecrated by the Treaty of Chaumont'. The whole campaign, which ended with Waterloo, showed the value and effectiveness of the Quadruple Alliance.

The same policy was pursued after Waterloo. Notwithstanding the fresh provocation from France, the British Government still firmly set its face against any exaggerated demands for the cession of French territory; the Prussian demand for the annexation of Alsace-Lorraine, which was urged with increased force, was again refused, and only a slight modification of the north-eastern frontier of France (Landau, Saarlouis and Saarbrücken) was adopted. On the other hand, the securities and guarantees against France were renewed and strengthened. France was now required to pay an indemnity and, as a 'temporary' guarantee against the repetition of these 'violent convulsions,' certain portions of French territory were to be occupied for a period of not more than five years by allied forces. The period of evacuation might, however, 'terminate before that period if at the end of three years the allied sovereigns, after having, in concert with His Majesty the King of France, maturely examined their reciprocal situation and interests and the progress which shall have been made in France in the re-establishment of order and tranquillity, shall agree to acknowledge that the motives which led them to that measure have ceased to exist'.[1] In addition to this a fresh treaty of alliance was signed between the four Powers 'in order to guarantee Europe from dangers by which she may still be menaced'—a treaty expressly based on the principles of the Treaty of Chaumont. The exclusion of the Bonaparte family from supreme power in France was reaffirmed, 'and as the same revolutionary principles which upheld the last criminal usurpation might again, under other forms, convulse France, and thereby endanger the repose of other States; under these circumstances the high contracting parties solemnly, admitting it to to be their duty to redouble their watchfulness for the tranquillity and interests of their people, engage, in case so unfortunate an event should again occur, to concert amongst themselves, and with His Most Christian Majesty, the measures which they may judge necessary to be pursued for the safety of their respective States and for the general tranquillity of Europe'.[2]

[1] Treaty of November 20, 1815, Art. 5.
[2] Treaty of Alliance, November 20, 1815, Art. 2.

If the occupying armies should be attacked or menaced on the part of France the allies would place themselves on a war establishment against that Power, and the stipulations of the Treaty of Chaumont, as to the number of troops to be provided, would at once come into operation. If these were not sufficient the allies would concert together and in case of need employ the whole of their forces to bring the war to a speedy and successful termination. Even after the term of occupation of France had expired the mutual engagements against aggressive action on the part of France were to remain in full force and vigour. Finally, article 6 provides for further meetings of the Sovereigns or their Ministers 'for the consideration of the measures which shall be considered the most salutary for the repose and prosperity of nations and for the maintenance of the peace of Europe'. The British Government agreed not only to the general principle of the maintenance of the defensive alliance against France, but also to the specific military measures by which, in case of need, the alliance was to be made operative.

This was the system established in 1814–15. Three years later the position was reviewed; a conference with this object was summoned at Aix-la-Chapelle in October, 1818; the arrangements there made are of particular interest at the present time.[1]

It was first agreed that the occupation of French territory should cease at once. The Duc de Richelieu had asked for this, and was supported by the Duke of Wellington, who, as Commander-in-chief, was fully aware of the great difficulties and dangers which any continuance of it would entail. It was necessary, however, before withdrawing the troops, to make arrangements for the payment of that part of the indemnity which was still outstanding. The Duke himself managed this; he arranged a scheme by which it was converted into an ordinary public obligation which could not be repudiated by the French Government without an act of violent bankruptcy. The fact that the indemnity was even for that period a comparatively small one, which could quickly be paid by France, avoided many of the difficulties with which the allies are at present confronted. This question of the occupation and the indemnity having been resolved, the provisional measures

[1] This account is based on Mr. Alison Phillip's *Confederation of Europe*; his fuller narrative is well worth study. [When this was written Prof. Webster's admirable *Life of Castlereagh* had not been published.]

necessary to wind up the war came to an end, and it was possible to reinstate France, restoring her to the position of a friendly Power. Some difficulty arose as to how this should be done. The continental Powers strongly pressed for a general guarantee treaty for the whole of the European settlement, a treaty which would give operative effect to the principles of the Holy Alliance, and that France should be made a party to this. The British Government, however, were strongly averse to anything which would imply further continental responsibilities or would bind them on general matters to common action with their allies. They would not go further than the Treaties of Chaumont and the General Alliance of the 20th November, 1815. As, however, the essence of the Treaty of Chaumont was the creation of a defensive alliance against France, it was difficult to admit France herself. Castlereagh succeeded in arranging a compromise based on article 6 of the Treaty of Paris, which provided for further meetings of the allies to consider difficulties as they might occur. France was officially asked henceforward to take part in these meetings, which would thus change their character from a meeting of the allies who had been opposed to France, to a general European Concert of the Great Powers ; it was much as if now Germany were to be admitted to the meetings of the Supreme Council or of the League of Nations. A declaration was issued and published explaining this and the object of any meetings that might take place.

This, however, was not all. Although the Duc de Richelieu had the personal confidence of the allies, no real security was felt that fresh danger might not arise from France ; Prussia, in particular, was nervous, and did not feel confident that she could defend the Rhine province against France. It seemed necessary still to maintain the Quadruple Alliance against France. With this object therefore a separate and secret protocol was signed reaffirming the principles of the Treaty of Chaumont, and this was accompanied by a military protocol specifying the measures by which the allies would, if necessity arose, join together to oppose any danger that might come from France. These protocols were confidentially communicated to the Duc de Richelieu.

The combination of these two decisions is, I think, a very interesting one ; it was a great success for the British Government. They reserved their full freedom of action except on one particular point ; they kept out of any general *entente* with their allies and refused to be committed to obligations

and responsibilities which Parliament, entirely devoted at that time to retrenchment and disarmament, would have viewed with the greatest suspicion. At the same time they stopped the continued isolation of France, which would have greatly weakened the authority of the French Government and thereby produced danger of war. They continued, however, the quite limited defensive alliance against France, though it was agreed that this should not come into effect merely because of internal commotions in that country, but only if any revolution there took such a form as to produce reasonable apprehensions of danger to the neighbouring States. But the continuation of this alliance was not meant to, and in practice did not, prevent the most harmonious relations between France and the allies ; nay, more, on any particular point which came up for discussion it was quite open to one or more of the allies to act with France against the other allies. For instance, in 1824 Austria and Russia supported France in the invasion of Spain, notwithstanding British protests, but in the war of Greek independence England and Russia acted with France against Austria.

None the less, the Quadruple Alliance, carefully guarded and limited as it was, had real importance. It did what it was meant to do ; it preserved Europe from a fresh outbreak of war. There can, I think, be little doubt that the fact of its existence, known as it was to the French Government, was one of the chief reasons why peace was preserved for a whole generation, and no attempt was made by France to recover the position which she had lost in Belgium and on the left bank of the Rhine. We must remember that at that time Germany was weak and divided. The Prussian Government was unpopular in the Rhine province, and strong sympathies, if not for France, at least for French liberal thought, survived ; the tenure of the Palatinate by Bavaria was very precarious. From 1830 onwards every revolutionary movement in France found an echo in Germany ; German exiles were congregated in Paris, and an ambitious French Government might well have resorted to war with Germany, hoping to receive support from the German malcontents. One of the chief reasons which prevented any action of this kind was the knowledge that it would at once bring about the establishment of a new coalition in which this country would have taken part. It is the influence of this knowledge also which moderated the French demands after the Belgian revolution in 1830, and prevented the July Government from trying to annex Belgium to France.

French criticism, indeed, would represent that the policy was only too successful, for it enabled Prussia finally to establish herself securely in the Rhine province. However this may be, it was this policy—the continuance of the alliance as a potential weapon, which at any moment might become operative—by which, in fact, the peace of Europe was maintained, and the key to the whole system was the participation of Great Britain. Even as late as 1840 we find that the danger of French aggression suddenly brings to birth a union of the four Powers and the complete isolation of France.

One word in conclusion. It was comparatively easy for Great Britain a hundred years ago to be a party to a general defensive alliance against French aggression, for the encirclement of France was, in consequence of her limited land frontier, a comparatively simple matter. Belgium, the Rhine, the maritime Alps—a campaign in any of these districts was one in which, if necessary, British troops could easily take their part. Such a war in fact meant a British army once more in Belgium. Now the situation is different. We can, as is proposed, give a guarantee against German aggression on the Rhine or through Belgium. But in the future the real danger may lie, not here, but rather on the eastern frontiers of Germany—Danzig, Poland, Czecho-slovakia—for it is in these districts that the settlement of Paris would be, when the time came, most easily overthrown. But in these districts no military help would be available from this country, and this is one reason why it is impossible now to satisfy the demands of our French allies in the way in which a hundred years ago it was possible to satisfy the Prussians and the Austrians.

January, 1922.

II

ENGLAND AND THE LOW COUNTRIES

Among the political problems of the moment there is none more urgent than that which arises from the tract of country lying between the lower waters of the Rhine and the North Sea. This is commonly dealt with under the heading of the security of France, and the question is asked what this country and the Dominions intend to do to defend France against possible aggression. This is a narrow and misleading point of view. It is an English as much as a French problem. We are concerned with it not merely as friends or allies of France, but because of our own interests. It is not only France, but

England, that we have to defend, and, if we are concerned with the security of France and Belgium, it is because in this matter our interests are identical. The *entente* and alliance with France was not a cause of our concern in this problem, but the result of it.

If there were any doubt as to the truth of this, it would quickly be dispelled by a consideration of our own past. No country can afford to neglect its own history, and from the study of our history nothing emerges more clearly than that for more than five hundred years our statesmen and rulers have always held that we had a predominant interest in this part of the continent of Europe, and that they have never failed to use every means, including that of war, to assert this interest. Running through the whole story is a fixed resolve never to allow the coasts of the North Sea to fall into the hands of a great naval and military Power, which would be able to use them as a base for an attack on our own shores.

This motive is not accidental ; it is based on essential facts which cannot change. As an island, we depend for our security on our fleet and on the naval control of the surrounding seas. But there is nothing in the nature of things to ensure that we should have this necessary naval superiority. After all, compared with many continental States, Great Britain is a comparatively small country ; even now her population is little superior to that of France, while throughout the greater part of her history this country was inferior, not only in area, but in wealth and population. There is no inherent reason why a continental nation should not build up a fleet superior to any that we can afford to maintain. It is no good appealing to the courage of our sailors and the skill of our admirals. They are unquestioned, but we cannot assume that a Nelson will always be forthcoming ; still less can we assume that our opponents will never have a Nelson. Our security depends, in fact, on constant watchfulness. It is an essential principle of our policy to insure that on the opposite shores there shall never arise a nation which by superiority of wealth and numbers could beat us in shipbuilding, and which at the same time has command of the sea coast. Apart from the Channel ports, the most important position is the delta formed by the estuaries of the great rivers, the Scheldt, the Meuse and the Rhine. This delta would provide an impregnable base in which a great fleet could be harboured, and, with the resources which come from the continent behind it, could be provided with all the equipment of a great naval arsenal. It is for

this reason that so large a part of English history is occupied with this district.

In this matter, and perhaps in this alone, our foreign policy still remains similar to that of mediæval times. To the Plantagenet Kings and the Houses of York and Lancaster, Flanders and the rest of the Low Countries were always a question of the first interest. The whole efforts of this country were repeatedly used to defend the independence of Flanders and Brabant against French aggression, and the extension of French territory in this direction was opposed with the same persistency as in the seventeenth and eighteenth centuries. But this is not the whole story. The danger, not only to English commerce, but also to the security of the island, would have been equally great if the Duchy of Burgundy had come under the control of the German Empire, and particularly of the Hanseatic League. At that time we must remember, the Hansa, by the possession of a great fleet, really controlled not only the Baltic, but the North Sea ; they had settlements in the interior of Germany—for instance, at Cologne and Dortmund, and also at Bruges. Their whole interests and policy were completely opposed to those of this country. During the Wars of the Roses, the Dukes of Burgundy, often in association with the Hansa, took an active part in our internal dissensions, and it repeatedly happened that one of the rival candidates to the throne carried out a successful expedition starting from the Dutch or Belgian coast. Even in those days we were faced with all the main features of the problem which has exercised us ever since—how to keep the Low Countries as a separate unit of government, independent both of France and of Germany.

During the sixteenth century the situation changed. The union of Burgundy with Spain, and with the other continental possessions of the House of Austria, was full of danger to this country. The greatest military and naval Power of the time was established in the Low Countries, and used its position there to threaten our independence. At once our policy was reversed, and now we found in France a useful ally against the new enemy. The gravity of the danger became apparent in the year of the Armada. Had the Spanish fleet succeeded in its immediate object and made its way undefeated to Antwerp, from the secure refuge of that port the Spanish army might have been transported to our shores. Without a base, the Armada was helpless. The danger arose because of the Spanish occupation of the Netherlands. For

this reason, throughout all the tortuous policy of Elizabeth, this country never lost sight of the fundamental necessity of supporting the revolt of the Netherlands against Spain. With regard to the Southern Netherlands, which we now call Belgium, we failed; they continued a Spanish province, but the northern part, the present Holland, successfully asserted its independence, and from that time, with very few deviations, the defence of Holland has rightly been an essential part of our policy. After peace was made with Spain in 1608, we entered into a guarantee treaty, by which we pledged ourselves to provide military support in case the Dutch Republic was attacked. It was one of the first guarantee treaties of this kind ever made by England, and the policy which it embodied has rightly been continued ever since.

The power of Spain was broken by the long war with France, and, after the Treaty of the Pyrenees in 1659, it became apparent that France once again, after a long period of internal dissension, was aspiring to become the dominant Power in Europe. Inevitably, she used her new power once more to attempt the conquest of the Low Countries. Once again we were forced by every consideration of national safety to oppose her. There were, indeed, a few years during the reign of Charles II when that King allowed himself to ignore the vital principles of policy and went so far as to unite with France in a war against Holland. It did not take long for the truer feelings of the country to reassert themselves. For fifty years there had been commercial rivalry with Holland; for twenty years repeated wars. As soon as the danger from France recurred, all this was forgotten, and we at once, in pursuit of a greater aim, entered into an alliance with the Dutch against France. A Frenchman who visited this country in 1677 reported to his Government that, 'to use their own language, the members of the House of Commons would sell their shirts in order to prevent France conquering the Low Countries.'

And so there followed the close alliance with Holland, which led to, and was cemented by, the accession of William III and the long war against France, which lasted in effect from 1690 to 1714, and was only brought to a conclusion when the attempts against the liberties of the Low Countries and of Germany had been frustrated. The Battle of Blenheim, fought though it was in the valley of the Danube, was the means by which the security of this country against France was achieved. And, once again, as a hundred years before,

when peace was made, there was included in the terms a formal safeguard of the Low Countries against France. This was provided by the 'Barrier Fortresses', a chain of strong places on the frontiers of what we now call Belgium and France; the right of garrison was given to the Dutch.

This system prevailed throughout the wars of the eighteenth century. It came to an end in 1786. Commercial rivalry had for the moment brought about an opposition to Holland. But, scarcely had the barrier treaty been repudiated, when once more we find the British Government of the day compelled to make new arrangements to secure the same object. This time they did so by the Triple Alliance with Holland and the rising Power of Prussia, for at that time, as in the days of Marlborough, our interests were identical with those of the Western German States.

We come then to the last great war with France, which continued from 1792 to 1815. Let us never forget that the immediate cause of the war was the French interference in the Netherlands and the City of Antwerp. It was this which forced Pitt out of his policy of neutrality, and it is no accident that the war began, as it ended, on the plains of Flanders. Napoleon, as he always did, saw the essential point. For him Antwerp was a pistol directed at the heart of England. As soon as he came into power he began to build a great naval arsenal there. Even after the Peace of Amiens he refused to relax his hold on Holland. When war broke out again he could, in his schemes for the invasion of England, use not only the French but the Belgian and Dutch coast, for his troops were stationed on the whole line from Texel to Brest. In those days residents on the Yorkshire coast kept their coaches ready for flight into the interior when the expected French invasion should come. His plans were frustrated not only by Trafalgar, but also by the new coalitions which the British Government, with restless energy, always kept on building up. For us the end of the war could not come until the French were driven out of Holland and out of Belgium.

And so when the terms of peace had to be arranged in 1814–15 this was one of the essential requirements. The matter is of particular interest to us who have now to deal with a similar situation after a great war. The British policy at the peace was no hasty improvisation. It was based on a programme which had been drawn up as long before as 1805 by Pitt; this was deliberately taken as a guide by Castlereagh. Among the essential points Pitt had included 'the

entire recovery of the Netherlands and the countries occupied by France on the left bank of the Rhine'. But this was not sufficient. It was necessary to consider the future political position of Belgium. The original proposal was that part of Belgium should be annexed to Holland so as to form an additional barrier for that country, and that the remainder should be assigned to Prussia, the primary object being to set up a powerful and effective barrier for the defence of Holland and North Germany against France. Pitt's conception was a sound one. What we wanted was a neighbour who would be both prosperous and powerful enough to protect himself from attack, but who also by his character and origin was not likely to become a menace. This would be secured if the greater part of Belgium, including the coast, were annexed to Holland, and if, moreover, in case of any serious attack, she were able to turn for help to the German States, especially Prussia. This policy was adopted and pressed with great energy by Castlereagh. As regards the further terms of the peace he naturally depended largely on the opinions and wishes of his allies; this, so far as the continent of Europe is concerned, was, together with the full independence of Spain, the one point on which he insisted. He was successful. He brought about the complete annexation of Belgium to Holland, and in addition to this he restored the principle of the barrier fortresses; he called in the help of Prussia, assigned to her large districts on the left bank of the Rhine and also the right of maintaining garrisons in Maastricht, Luxemburg and other places.[1] At the very time when he was in other matters urging moderate terms of peace for France, the Duke of Wellington was actively occupied in military schemes for the defence of the Low Countries against France in case of any new aggression.

[1] It was Pitt who conceived the plan of 'getting Prussia to put herself forward on the left bank of the Rhine more in military contact with France'. He did this so as to insure the military support of Prussia if necessary against France. It is curious to read Castlereagh's comments on this proposal:

'I know there may be objections to this as placing a Power peculiarly military, and consequently somewhat encroaching, so extensively in contact with Holland and the Low Countries. But, as this is only a secondary danger, we should not sacrifice to it our first object, which is to provide effectually against the systematic views of France to possess herself of the Low Countries and the territories on the left bank of the Rhine—a plan which, however discountenanced by the present French Government, will infallibly revive, whenever circumstances favour its execution.'

As is well known, this system failed; it failed, as did so many of the arrangements made at the Congress of Vienna, because it was based too much on mechanical and strategic considerations; it ignored what experience has now shown to be of even greater importance, the feelings and desires of the people themselves. In consequence, in 1830 the people of Belgium revolted against the rule of the alien sovereign who had been imposed upon them. A grave crisis ensued. There were many in France who would gladly have taken advantage of the opportunity provided by a simultaneous outbreak of Revolution in the two countries to bring about a union of Belgium and France. This was prevented. On the other hand, the British Government, with great wisdom, saw that it would be most unadvisable to restore Dutch dominion over Belgium by force of arms, as was desired by the monarchical States of Central Europe. They therefore inaugurated a new system, which was to continue for a hundred years, a system of neutrality guaranteed by all the Powers of Europe. But it must be remembered that in all the discussions on the matter the essential object to be secured was the erection of an insuperable barrier to French aggression. This time, indeed, it was to be a moral and not a physical barrier, but none the less it was effective. No doubt from time to time, especially after the accession of Napoleon III, there were plans and suggestions for reversing this decision, but they never came to anything.

Now it must be observed that this system, which was set up as a barrier to the ambitions of France, became equally useful as one against the ambitions of Germany. After 1870 a change took place similar to that which occurred when in the seventeenth century the power of Spain gave way to that of France. Prussia, which had become Germany, was now the most powerful military State in Europe. Inevitably the time came when new ambitions arose and the Germans became conscious that the mouth of the great German river, the Rhine, was not under their own control. As in older days, the British nation was slow to see the change. As late as 1887 we find no general understanding of the new situation that had arisen. But as soon as the Germans showed their hand by building strategic railways for an attack on France through Belgium, then, in accordance with our traditional policy of supporting the weaker party, we began conversations with France in order to meet this new danger.

From this brief record the essential thing that emerges is that

for more than five hundred years our policy has always been guided by one purpose. In other spheres, of course, there were other motives of policy. As from generation to generation the wealth, power and energies of the country grew, there followed the growth of trade, colonial expansion, and with these the necessity for safeguarding the maritime connexion with America and the Indies. Hence arose the continued wars with France and Spain for the dominion over North America and for naval superiority in the Atlantic. Hence arose also the necessity for keeping open the road to India and trade with the East, which gave birth to a new interest in the Levant and the Turkish Empire and the establishment of British maritime power in the Mediterranean. But all these motives, important and essential as they were to become, were secondary. They concerned the trade and wealth of the country and its external expansion. Our interests in the Low Countries were more intimate and more vital, for they concerned the security, the independence and the very existence of the State. If British naval predominance in the narrow seas were once lost, then we could never have security against invasion.

We are apt to forget how real the danger was. We are easily misled by the fact that only twice since 1066 (in the reign of King John and in 1688) has a foreign army landed upon our shores ; in both cases they came as partisans in our own domestic struggles. But in fact never until after the Battle of Trafalgar was there real security. There was no formal invasion, but the south coast was constantly subject to the insults and attacks of French ships. Again and again, from the time of the Battle of Sluys, the whole fate of the country depended upon the success of the fleet in a naval action. The events of 1665, when the Dutch fleet sailed up the Thames to Chatham, showed what might be the penalty to be paid for the loss of admiralty. Against the French alone, controlling only the opposite shores of the Channel and the Straits of Dover, we always succeeded in holding our own. But if the power of France had been so enhanced that she had been able to conquer and annex the Netherlands and to establish a great naval base at the mouth of the Scheldt and the Rhine, then the situation of this country would have been critical in the extreme. Such a situation in fact arose at the end of the eighteenth century ; the British fleet at that time had to contend against hostile forces threatening our shores, not only from Brest and Cherbourg, but also from Antwerp and the Texel. We surmounted the danger by

framing European coalitions against France so that she never had the time or opportunity of developing and strengthening her position in time of peace.

In modern times this danger has not been diminished but increased; in the days of sailing vessels the task of transporting an army across the sea was exposed to the uncertainties of the weather. There was no time of year when an invader could reckon on favourable wind, on freedom from fog and storm, for a sufficient number of days to carry out his intentions. With the advent of steam this source of security has been lost, and the opposite shores are brought greatly nearer to our own. Need we add that the invention of the aeroplane and the airship go far to destroy the security of the island?

The course of the war from 1914 to 1918 brought home to us the reality of the danger. It would have been infinitely greater had the German fleet, before the outbreak of war, been able to take up their position at Rotterdam and Antwerp. This the Germans well understood, and nothing is so remarkable in all the tentative suggestions for peace made during the course of the war as the determination with which the military and naval party in that country insisted on preserving in some way or another their control over Belgium. To this they sacrificed any hope there might have been of bringing about an agreed peace before the final catastrophe. It was the German invasion of Belgium which, above all else, forced this country into the war; it was the German refusal to consider the complete surrender of the position they had secured there which made any peace negotiations impossible.

No one, of course, supposes that we must now take as an example everything which was done by our predecessors. Their acts are not only an example to be followed; they are often a warning of what is to be avoided. They were often influenced by motives which are now finally and definitely discarded; our policy has developed and aims now recognized as invalid have been superseded by others based on truer considerations. Among those which have been renounced we will note first the partition and conquest of France. For a hundred years the Plantagenet kings exhausted the resources of this country in what we should now call aggressive wars against France. This policy naturally and rightly led to failure abroad and disaster at home. From the middle of the fifteenth century it has been given up, and from that time onwards the existence of the Kingdom

of France, based on the national feeling of the French, has been fully accepted; France, within her proper boundaries, has the same right to existence as has Great Britain within her natural frontiers.

But even though all idea of the conquest of France had vanished, there still lingered the conception that our interests required a military, naval and commercial station on the opposite shore. It took long for the country to reconcile itself to the loss of Calais, and, even after this, from time to time we notice a desire to find some substitute for Calais in Dunkirk or some other continental port. This object also has now been renounced, and it has become the firm and determined principle that we should in no circumstances trespass upon the shores of the continent. There have from time to time been suggestions made to us that we should acquire, for instance, Antwerp; they have never received any response.

Again, especially during the eighteenth century, we find our policy distorted in regard to Antwerp, just as it was as regards Ireland, by the jealous commercial principles of those days. We aided the Dutch in measures which condemned Antwerp to stagnation and ruin so that the English peace became to that great port almost more disastrous than the French and the Spanish terror. This motive again has been discarded, and we have finally given up all thought that our political interests should be used adversely to the economic development of other countries.

But there is a final development which both includes and supersedes all these. At the earlier stage, as we have seen, our continental policy took the form of supporting the independence of Flanders against France. We were the allies of the burghers of Ghent and afterwards of the Dukes of Burgundy, who had become Counts of Flanders. It was the defence of local liberties against foreign conquest. As the years went on it became impossible, owing to political changes, to persist in this course of action. We attempted, indeed, to do so when, during the reign of Elizabeth, we advocated the revolt of the Netherlands against the domination of Spain, and as far as the northern parts of the Netherlands, the United Provinces, which eventually became the Dutch Republic and the Kingdom of the Netherlands, are concerned, we have always, with the exception of a brief interlude in Charles II's reign, continued this policy. We based our resistance to French domination on the patriotism, the desire for self-government, the independence of Holland, and just for this

reason, so far as Holland goes, our policy was successful. But the situation was different with regard to the southern provinces, which had not succeeded in winning their independence from Spain. We find in consequence that we fell into the habit of treating them as mere pawns in the game. It is true that we opposed the French conquest, but, with this exception, we were prepared to take part in handing them over to alien rulers, Spanish or Austrian, merely in accordance with the convenience of the general European situation. It was the bad side of the balance of power; and again, as we have seen, we were quite willing to subordinate their commercial supremacy to that of our allies, the Dutch, and to allow many of their most important towns to be occupied by a Dutch garrison. In all this there is no evidence that the wishes or prosperity of the people themselves were for a moment considered. This attitude continued even at the Congress of Vienna, when Belgium was assigned to the Dutch merely for general strategic and political reasons. They were not considered and not consulted.

The great change came in 1830. Then for the first time, in consequence of the successful revolt of Belgium against Holland, we adopted a different point of view; in alliance with the French we supported the independence of the revolting provinces, and for the first time since the acquisition of this district by Spain we based our policy upon the wishes of the people themselves. By so doing we at last reached a sound position, just as we had done when hundreds of years before we accepted the fact of France; just as we had done when we accepted the independence of the Dutch Republic. It was a fundamental change, for from this time we identified our own interests with the security of all the different nations concerned, and, as we were to see in the war of 1914, it was a far firmer basis than the older artificial system, for it is the true art of policy that each nation should so interpret its own vital interests that they will not be inconsistent with or antagonistic to the interests of other nations. Each nation must aim at connecting its own security, not with the conquest and subordination of others, but with their equal independence and security.

With these considerations in mind let us turn to the problem left by the late war. There are some conclusions which clearly emerge. First, regarded purely from the point of view of British interests and the security of these islands, we have had an object lesson as to the importance of the Low Countries, and in particular the mouths of the Rhine,

the Meuse and the Scheldt. We have learned how great the danger would be if the whole of the opposite coast from the mouth of the Elbe to Dunkirk were united under the control of a great military and naval Power which had behind it the resources of modern Germany. We have to picture to ourselves what the course of the war might have been if Germany, instead of possessing merely an improvised submarine base at Zeebrugge and Ostend, had, before she began the campaign, been able to build up great naval arsenals at Rotterdam and Antwerp, and to use the mouths of the Rhine and the Scheldt as a harbour of refuge for her grand fleet. This is what Napoleon attempted to do, but never had time to carry through effectively. Surely there could be no possibility of doubt that the whole policy of this country should be frankly directed to preventing such a consummation ever occurring in the future.

Secondly, we have relearned the lesson that the best security against anything of the kind taking place is to be found in the patriotism and independence of the Dutch, the Belgians and the French. This means that we can obtain our object not, as in the old days, by the arbitrary bartering about of peoples from one sovereignty to another, but by assisting them in the defence of their native liberties. England has only to continue her inherited tradition and here as elsewhere unite her own freedom and security with that of other nations.

But those who look into the more distant future may rightly apprehend that this is not sufficient. The experience of the past has always shown that the independence of Holland and of Belgium is closely connected with the political condition of the Rhineland. In the old days it was for this reason always necessary for England to oppose by every means French domination over the Rhine provinces, for with France stationed at Coblenz and Cologne, the real independence of Belgium, military, economic and political, must inevitably disappear. This is as true now as it ever was in the past. We need not discuss the point, for the French persistently repudiate any proposals for the annexation of the Rhineland. It may be noted, however, that the establishment there of small States entirely under the influence of France might be nearly as dangerous to Belgian independence as if this district were actually annexed to France. But that is not the problem we have to consider at this moment. The danger which might arise in the future would come from a restored Germany. If Germany were to recover her full military power, then, as in

the past, the German army, occupying the country between Cologne, Aachen and Trèves, would be a spearhead directed at France and Belgium. It is the obvious dictate of wisdom and foresight to avoid this danger in the future. This is done by articles 42 to 44 of the Treaty of Versailles. By the removal of all German military equipment to the eastern bank of the Rhine, the Low Countries would in the future be defended, as they were by the barrier fortresses in the old days. It is a device which is not entirely satisfactory, for it has perhaps something of artificiality about it, but at the moment it is impossible to see how we could get any better plan. It is not one which is necessarily injurious to Germany, still less to the inhabitants of the district concerned. On the contrary, it is a device specially arranged to prevent any separation of this district from Germany. From this point of view it is not in opposition, but consonant to the justifiable spirit of German national unity. The only alternative was the political separation from Germany. The British at the Paris Conference quite rightly saw that this could not be maintained or justified.

As a result of our inquiry we find that throughout the whole course of our history our policy has consistently aimed at the defence of the independence of the Netherlands ; any attempt to bring the Netherlands under the control either of France or Germany has at once aroused the strongest opposition in this country. The particular method by which this danger has been met was a pact or treaty for mutual security between this country and the Netherlands, in which we have always attempted to persuade other States to join. A study of these treaties will show that, notwithstanding the differences in expression and language, these old alliances are in all essentials similar to the pact for the defence of France and Belgium, which has been under consideration during the last five years.

We must, however, recognize that all these alliances, useful and necessary as they were at the time, have in them a constant element which is not consonant with ideas widely prevalent at the present day. Though they are in form in all cases defensive, they are quite frankly warlike in nature ; they are a coalition of two or more States in direct opposition to the assumed designs of other States, and in all of them the military arrangements which would come into force in case of the anticipated war take a very prominent place. In many cases the war in fact did break out and they appear, therefore, to be the first stage towards a declaration of war. This is what

we now hope to avoid. What we want is not merely to insure peace by adequate preparation for war, but if possible to build up a system in which war will be not a natural and probably inevitable occurrence from time to time, but something which, so far as is humanly possible, is permanently eliminated. From this point of view we see that the treaties of 1839 mark a very great change. One group of States does not arm against the ambitions of another group, but all the States concerned join in a common agreement by mutual guarantees to one another; instead of rivalry we have co-operation. We may also observe that this arrangement was singularly successful. It did in fact preserve the peace so far as Belgium was concerned for nearly 100 years, though more than once there was a very serious danger of war. It seems then as if it is the example of 1839 rather than, let us say, that of 1709, that we should follow at the present time. If this view is correct, then the historical illustrations point not to a separate pact with France and Belgium, but to a general pact in which Germany could be included.

But we must not be content merely to imitate the past; the arrangements of 1839 were superior to the older system, and we in our turn should make it our object to improve upon the work of our predecessors. The territorial settlement of Europe in 1919 marks a great advance over the treaties of Vienna and in the same way we ought to aim at advance in dealing with this problem of security. The treaty of 1839 dealt only with Belgium and even in regard to Belgium the conception of permanent guaranteed neutrality had grave defects. It is certainly not suitable now that the League of Nations has been established. In the League we want every country to play its part and undertake its responsibilities equally. Owing to the establishment of the League the whole conception of 'neutrality' has altered, as is shown by the difficulties which have arisen in regard to Switzerland. It would be a most dangerous precedent to allow Belgium to divest herself of her responsibilities and, even if she wished to do so, to come into the League as a passive rather than an active member. Any new treaty should therefore include all the interested States; it should not be a partial alliance. Moreover, it ought to extend the security not only to Belgium, but equally to France, Germany and Holland. In the recent discussions no reference seems to have been made to Holland; but the Kingdom of the Netherlands is intimately concerned in the matter, and it is needless to point out that any new

arrangement would greatly gain if there participated in it, not merely the belligerents in the late war, but a State which had been a neutral.

In this part of Europe a mutual treaty for a permanent guarantee is possible because here the frontiers (apart from some quite small points) are in accordance with the national feeling of all the peoples concerned. Here we may hope permanently to get rid of those territorial ambitions which have in the past been so fruitful a cause of war. Such a treaty would be in complete accordance with the conception of the League of Nations, for it would be a general treaty for the preservation of peace and not a partial treaty in preparation for war. It would, moreover, be a model and example towards which we could work when dealing with the other danger points of Europe. But we must not attempt to go too fast. In the valley of the Danube and on the frontiers of Poland, the situation is in reality very different from that on the left bank of the Rhine. We cannot hope at this moment to find a real and genuine determination on all sides to maintain the present frontiers. There it is probable that, for the time being, we shall have to be content with other and less satisfactory methods. None the less, we shall have clearly before us the goal which we wish to attain and we will hope that the time may come when the treaties of the Little Entente may, by the accession of Hungary, be converted into a mutual treaty of guarantee, until ultimately, as the system extends throughout the whole of Europe, we achieve the ideal of the Geneva Protocol obtained in another way.

It may be objected to all this that it is based on the common fallacy that we can prevent war by paper agreements. It is held by many, and undoubtedly with strong justification, that no State on the continent of Europe can be relied on to maintain its engagements. So much at least is true, that a treaty of this kind is of no use, unless there is real force and power behind it. It is, I believe, on this country, on Great Britain, and if necessary on the British Empire, that in the time of emergency the world must depend for the necessary force. In this matter we have a very peculiar position. The whole arrangement is one the maintenance of which is of vital necessity to ourselves; on the other hand, we alone of all the nations concerned have, and can have in the future, no direct territorial interests. It is therefore essential that the world should be made to understand that our accession to any such agreement will be the symbol of a firm resolution at all costs

to enforce its observance. There must be no hedging, no justification for the suspicion that we might on some finesse of interpretation attempt to avoid our engagements. If, in signing a treaty of this kind, the Government have behind them the nation and the Empire, that will be the one sure means of avoiding war. No nation in the future will be willing to put itself into the position of Germany in 1914. It is above all to the violation of the Belgian treaty that all the disasters of Germany are due. The world must understand that in the future, as in 1914, those in this country who are in principle most opposed to war, will actively and vigorously support a war undertaken in defence of law and justice against aggressive violence.

It results from this that the new system, as incorporated in the Treaty of Versailles, is entirely in agreement with the best sides of traditional British policy, while it is shorn of the more objectionable features which have sometimes marred it in the past. It is, therefore, one which ought to be maintained. It can only be maintained if the world is assured that we are prepared to do our part in supporting it. On this point there must be no room for uncertainty. The system is a wise one: it is a just one; it is necessary to our security and it is consonant with the desires of the people directly concerned. For this reason we could, without any misgiving, ask the federated nations of the Empire to join with us in a formal guarantee.

March, 1925.

III

BRITISH POLICY AND THE GENEVA PROTOCOL FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

It is a narrow policy to suppose that this country or that is to be marked out as the eternal ally or the perpetual enemy of England. We have no eternal allies and no perpetual enemies; our interests are eternal, and those interests it is our duty to follow.—LORD PALMERSTON.

I propose in the following paper to inquire what light the past history of this country throws upon the problems with which the Geneva Protocol is concerned. This necessarily involves an investigation into the traditional relations between this country and the continent of Europe, for, in fact, though not in appearance, it is with Europe and Europe alone that the protocol deals. The object of the whole scheme is to remove the sense of insecurity which is one of the gravest dangers of the present moment, for it is the fear of what may happen

in the future which is leading to a new rivalry of armaments, and rivalry of armaments inevitably produces war. But all the discussions show that what is in the minds of the authors of the protocol is not general security throughout the world, but the particular situation now existing on our own continent. There may be, there are, apprehensions as to the future in non-European States; we need only mention Japan and Australia; but these dangers have already been dealt with elsewhere by methods very different from those employed by the League of Nations. At Washington we had, not a world conference putting forward general regulations to govern international relations everywhere, but a limited conference to which only those were invited who were immediately concerned, and who, if a war had broken out, would almost inevitably have become belligerents.

It is probably the most serious defect in the protocol that, devised as it is to meet a particular and local problem, we find nothing in the text to indicate that its chief importance is its application to Europe. It seems, indeed, as though the framers of the document had gone out of their way to avoid recognizing that Europe consists of a group of States with their own history and conditions and their own problems, which are in many ways different from those of other parts of the world. Instead of avowedly centering attention upon this European problem and inquiring whether it might not be susceptible to special treatment, they have set out to find formulas and phrases which in appearance are to be equally applicable to South America, to the Pacific and to the Far East. To this is due the sense of unreality which we cannot help feeling as we read the document, and the discussions from which it originated. The point is specially noticeable if we come to it fresh from the study of European history during modern times.

In practice, however, it is recognized that some form of machinery is required for the separate treatment of European problems and that the only way in which such separate treatment can be made possible is by placing the full responsibility upon the European States themselves. The arrangements for ratification of the Treaty of Mutual Assistance provide that it shall come into force in Europe 'when it shall have been ratified by five States' (which presumably means five European States), 'of whom three shall be permanently represented on the Council'. This is a recognition of the idea that the treaty might become effective in Europe and for Europe, even if it were not in force elsewhere. Again, M. Benes on one occasion

said he 'conceived the solution might be that there should be, as it were, regional protocols: there might be an American protocol as well as a European protocol', and M. Herriot, in a recent speech, said: 'Mon plus grand désir est de voir un jour apparaître ces États-Unis de l'Europe. Et si, à la Société des Nations, j'ai dépensé mes forces avec tant de courage—j'ai le droit de le dire—c'est parce que dans cette grande institution je voyais la première esquisse de ces États-Unis d'Europe.'

These are remarkable words, but it must be confessed that it is not easy to see in the Covenant of the League of Nations, either in its original form, or in the development of the protocol, the outline of the United States of Europe. At first sight it would appear that the establishment of the League of Nations had completed the work of the war and destroyed the very conception of Europe. In the old days there was, if not a united Europe, at least the skeleton of a scheme by which it might come into existence—the Concert of Europe. The system of the Concert of Europe, which was established by the Congress of Vienna and continued in active operation until the beginning of 1914, was based on the principle that every conflict or danger of conflict which arose on the soil of Europe was, or might be made, one of general concern. As such it would have to be dealt with by the Great Powers, all of whom, as signatories of the Treaties of Vienna, and later similar instruments, had a clear and recognized right to intervene when any alteration of the established frontiers was proposed. It was always acknowledged that it was the duty of the Great Powers, by all the arts of diplomacy and conciliation, to avert war, and they were often successful in so doing. The instruments by which this Concert worked were the meetings of the heads of States in a great congress, or of diplomatic agents in less imposing conferences. It did not always work with equal efficiency, but when at its best, it succeeded in settling grave problems, such as that of Belgium or of Greece, with marked success. Under its sway, war in Western Europe nearly disappeared. More than half the crises by which it was confronted arose not from Western but from Eastern Europe, and especially from the dissolution of the Turkish Empire. The whole object of Sir Edward Grey in the years immediately preceding the war was to give fresh life to this conception of a real Concert between the Great Powers for the maintenance of peace. This system was overthrown when, in 1914, Germany 'sought to impose a solution of a European

question upon the nations of Europe by the threat of war, and if the other members of the Concert refused this dictation, by war itself, instantly declared.'

Europe in this sense has been destroyed. The war dealt it a severe blow, but this it might have survived. It remained for the framers of the League of Nations, in their endeavour to create a world union, deliberately to cut themselves adrift from the past. They refused to recognize Europe. In their system no European problem can be discussed without calling in the co-operation of countries from the ends of the earth; we have seen how the settlement of questions such as the future of Upper Silesia was entrusted to the representatives of China and Uruguay, while the European States most closely concerned were excluded from official participation. One wonders if this is really a political advance and whether it is seriously suggested, as the text of the protocol seems to imply, that if sanctions had to be applied, for instance, in the Mediterranean to one of the southern European States, it would be desirable to turn for help to the Japanese fleet, or, in the case that America had joined the League, to invite an American fleet to take part in operations in the Baltic or the Mediterranean.

Let us now inquire what, in the past, has been the relation of Great Britain to Europe and what suggestions this provides for dealing with the future. Above all, we must note as an historical fact that England has always acted as a part of Europe. There has never been a time when this country did not claim and exercise the right to play an equal, if not a predominant, part in the consultations of the Great Powers; whatever was the matter to be discussed, whether it was Spain, Italy, the Scandinavian States, the Balkans, or even Poland, England has claimed, and has generally succeeded in establishing her claim, to share in the consultations and to take part in enforcing the decision. We may go even further and assert that the success of the deliberations of the Concert has been greatest when the part taken by England has been most conspicuous. If we review the history of the last hundred years, it is no accident that so many of the most successful efforts of the European States to apply the system of conciliation to difficult problems, have been found in conferences which took place in London. We need only instance the prolonged conferences which sat here for ten years after 1827 to discuss and settle, first the Greek, and then the Belgian, question. It was in London that the repeated meetings were

held which dealt with Schleswig-Holstein from 1848 to 1864, and the last effort of the Concert was the London Conference of Ambassadors to deal with the Balkan situation in 1913. At the Congress of Vienna Castlereagh and Wellington were among the most conspicuous figures, and English statesmen were no less prominent in the great meetings which resulted in the Treaty of Paris of 1856, and at the Congress of Berlin of 1878. England played her part as a European State by the same right as, and in complete equality with, France, Germany, Austria. The realization of this has sometimes been obscured owing to certain characteristics of our policy which are easily misinterpreted. It is true that our methods have differed from those habitually used by continental States. In particular we have, especially in more recent times, aimed at keeping aloof from the complex system of treaties and alliances to which the continental States are so prone. We do not like to commit ourselves beforehand by formal engagements to a definite course of action. We prefer to preserve a certain isolation, to keep our hands free. This, however, does not mean that we are indifferent to what goes on or that we abdicate our right to participate in any action that takes place ; all that it means is that we reserve to ourselves the right to judge each particular case as it comes up and to determine our policy with full freedom according to our immediate interests as each crisis occurs. The reason for this peculiarity is internal ; it is to be found in the nature of our domestic institutions. It arises from the control exercised over the Executive by Parliament and our party system ; this makes it very difficult for any Administration to enter into an engagement which will bind their successors and bind a new Parliament.[1]

The point can best be illustrated by a recent and important article in the *Round Table*.[2] After forcibly showing the close contact between Great Britain and Europe, the writer proceeds as follows :

> But that does not mean that it will help us or help Europe that we should become a permanent part of a purely European political system. Europe is a continent, and its nations have the characteristics, the

[1] The best illustration of this in recent times is the exchange of notes by which Lord Salisbury in 1887 undertook to co-operate with the Triple Alliance in maintaining the balance of power in the Mediterranean. As soon as Lord Rosebery came into office he repudiated the agreement, refusing even to read it.

[2] December, 1924.

interests and the traditions of Powers with only land frontiers between themselves and their neighbours. . . . Moreover, viewed dispassionately, it is clear that the nations of Europe will never reach peace and stability unless they can find some basis for at least comparative peace and unity among themselves. If they are to have lasting peace, it will be because they have learnt to live together and combine together in their own natural home, and not because outside Powers undertake to do for them what they ought to do for themselves.

The argument developed throughout the whole article is, in fact, that Great Britain, as the centre of the British Commonwealth, is not a part of Europe, but an outside Power, just as is the United States. Now, while this is true of the British Empire as a whole, it is not true of Great Britain. Faced with the statement 'it will not help that we should become a permanent part of a purely European political system', I should answer by the question: 'When has there been a time in which England has not been a part of the European political system?' Certainly not in the days of Elizabeth or Cromwell or Marlborough or Chatham or Pitt or Castlereagh or Canning or Palmerston, Salisbury, Lansdowne or Grey. It is essential that if M. Herriot's United States of Europe are to come into existence, Great Britain should not be excluded from them.

The geographical position of this country is such that it cannot afford to dissociate itself from continental affairs. What every nation, particularly every self-governing nation, demands is full freedom to live its own life in its own territory undisturbed by threats of foreign invasion and conquest. This requires, first, unity at home, secondly, security from attack abroad. Internal unity was brought about by the union of the Crowns of England and Scotland, and, later, by the union with Ireland. Security against invasion has always depended on our naval control of the surrounding seas. But this is not sufficient. Our island is so close to the continent that we cannot afford to ignore what goes on there, and so there follows the fundamental requirement, that the opposite shores of the Channel and North Sea should never be brought under the control of a single great military and naval Power. It is to prevent this that nearly every great war in which we have been engaged from the time of Edward I has been fought. It is unnecessary to recall the well-known facts: the constant support of the independence of Flanders against France in the Middle Ages; the struggle with Spain (the danger of the Armada arose from the military occupation of the

Low Countries by Spain); then again the guarantee given to the Low Countries in 1608, the long wars with France, the establishment of the barrier fortresses and the renewed war with the France of the revolution and Napoleon. We must not forget that the great war with France started because of French intervention in Flanders and Antwerp, and that the war was continued until we had secured the object with which it was begun, and until, this time by the union of Holland and Belgium, the security of the Low Countries from French domination was once more achieved.[1] The war of 1914 so far as this country was concerned, was fought for precisely similar reasons. As soon as Germany had developed into not only a great military but a great naval Power, and at the same time showed the clear intention of bringing the mouths of the Rhine and the Scheldt under her control, we were forced to act as we have always acted under similar conditions in the past, and once again we continued the war until the object with which it had been begun was achieved, and all danger of German control over Holland, Belgium and Northern France had been removed.

There has, however, always been a party among us who have refused to recognize this principle, who have advocated a complete separation from continental affairs, and have declared that it was not our duty to interfere in what did not concern us. Experience shows that if we are misled by advice of this kind the ultimate result is that we do not take steps in time to avert an impending danger, and are just for that reason forced into war. During the nineteenth century the particular diplomatic form in which the principle was embodied was a guarantee of the neutrality of Belgium. After 1871 we find, however, a strong tendency to repudiate our obligations. It is impossible even now to read without serious discomfort the discussions which took place in the House of Commons in 1872 regarding the guarantee of Belgian neutrality. Some of the more extreme speakers on the Liberal side maintained that England had no interest in the preservation of Belgian independence; 'it would be a crime to shed the blood of Englishmen in an insane attempt to protect Belgium against France or any other Power.' Even more important was the attitude taken by Mr. Gladstone, who then and on other occasions maintained that, while this and other treaties gave a right of interference, they did not constitute by themselves an obligation to interfere. Language

[1] See also pp. 165 *et seq.*

of this kind could not but have a most serious effect upon our influence in Europe. The Belgians naturally believed that they had a full right, if their neutrality were violated, to appeal for help to England. The most distinguished living statesman in this country, supported by a large party in the House of Commons, refused to recognize this right, and gave Belgium to understand that no dependence was to be placed upon the British engagement. This attitude had serious results in the grave crisis of 1887.

It is not true, as has been often asserted, that in this year the British Government definitely warned Belgium that she could not depend on British support against a German violation of her neutrality, but it is true that the question addressed to this country by Belgium as to what action we should take in the case of violation of Belgian neutrality by Germany received no answer. The result was that Belgium, and to some extent the rest of the world, could not fail to get the impression that in certain circumstances we should refuse to carry out our obligations under the treaties of 1839. Up to the year 1897, so far as our information goes, the scheme of the German General Staff in the case of a war on two fronts did not include a march through Belgium. The new plan of campaign made by Schlieffen in that year contemplated the violation certainly of Belgian, probably also of Dutch neutrality, and from that time onwards the Germans quite openly disclosed their hand by the building of strategic railways, all so calculated as to enable them to throw large masses of troops on to the Belgian frontier. Now, though this was well known—it was in fact the common talk of Europe—it is, I think, true that never on any occasion during the ensuing seventeen years was a single warning uttered by any responsible authority in this country, either to our own people or to the continental nations, that we had obligations in regard to Belgium which still existed and which we proposed to honour. The result of this reticence was to produce a very real doubt in the minds of the German nation and the German Staff as to our intentions. It seemed to them quite conceivable that we might under some pretext or another acquiesce in a German invasion of Belgium. This was, I venture to suggest, an essential factor in the causes which led up to the eventual outbreak of the war. If we are equally remiss in the future, similar consequences will almost inevitably follow. In a matter of this importance it is essential that our obligations should be clearly formulated and kept before the public mind.

We have won the war, but we must not lose the fruits of victory. We have still to meet the danger of a fresh attack, direct or indirect, on Belgium and the Channel ports. This was recognized at Paris in 1919, and so originated the idea of a pact with France. Unfortunately, for reasons which it is not necessary to discuss, this pact has never become effective. If there is anything to be learned from history, it is that the conception of this pact was a just one, that it is a grave misfortune that it has fallen into abeyance and that in some form or another it should still be brought into existence. On this point there is, so far as my information goes, really no difference of opinion. Everyone is agreed that the paramount interest of this country requires that we should not allow Belgium or the North of France in any circumstances to fall under German control or German influence, and, in order to prevent this, the whole of the resources of the Empire must be used without stint. If this is the case, then it is much better to say so and allow no doubt to remain about the matter. It is clear that any such undertaking, whether it took the form of a mutual agreement with France and Belgium, or a unilateral statement of policy, should include not only the obligation to defend Northern France and Belgium against attack, but also a restatement of the commitment to which we are bound by the Treaty of Versailles, that any violation by Germany of articles 42–44 of the Peace Treaty shall be included within the scope of the declaration. This is analogous to the older system of barrier fortresses.

It is natural in considering the present situation to inquire how we acted in the very similar situation at the end of the great war with France in 1815. It is probable that our action then may be useful as an example to us now. From such an inquiry certain points clearly emerge. The object of our statesmen was then, as it is now, to secure the peace of Europe. Then it was from France, as now it is from Germany, that danger in the future was to be apprehended, and we must never forget that the France of those days was in area, in population and in wealth, even after the Napoleonic wars, much the strongest State on the continent. The danger from France was a very real one, and no one understood this better than the Germans, who were weak and divided. The problem of keeping France quiet was very serious and very difficult. This was successfully solved, for in fact during the next fifty years, notwithstanding repeated revolutions, France did not

begin a new war of aggression. The methods by which this result was achieved deserve therefore the closest attention.

During the latter stages of the war the full authority of British representatives was used to maintain and strengthen the alliance, to prevent the danger of separate negotiations between any of the Allies and Napoleon, and to see to it that the war was continued until a decisive result had been attained. There must be a knock-out blow; France must be beaten beyond the possibility of further resistance. This was one of the great services which this country rendered to Europe, and the spirit in which the war was conducted a hundred years later was rightly identical.

Complete victory having been secured, the influence of this country was then used to prevent an immoderate use being made of the victory; all suggestions for the partition of France, for the separation from that country of districts which had belonged to it under the *ancien régime* and were really French in sentiment, were opposed. The object of the British Government was to secure peace on the continent in the future. They saw that this could only be done if the terms were such that reasonable opinion in France would accept them and if opportunity were given for France quickly to resume her position as an integral and important member of the European family of nations.

At the same time, being aware of the danger which might come from a fresh outbreak of revolutionary ardour or nationalist ambition, they entered into a binding alliance with other Powers, which was to last for twenty years, to oppose any fresh aggression from France, and, if the occasion arose, to reconstitute the alliance by which France had been defeated.

These three elements in our policy are closely connected with one another; they were based on a real understanding of the position and functions of this country towards the continent of Europe. Moreover, this policy achieved its purpose; it succeeded, in fact, in keeping the peace in Western Europe for thirty years. It is important to note that it was not a popular policy. The second element, that of moderate use of victory, was not supported by public opinion, and probably the Government would not have been able to carry it through had they not held a very strong position in the House of Commons, and had the House of Commons been as dependent on popular opinion as it has been since.

But there is a further point to notice. The Allies not only refused to deprive France of any part of the territory which

she had held before the outbreak of the war, but in other ways they fully recognized her legitimate national pride and her right to an equal position in the European family of nations. For this reason they hastened to get over the necessarily difficult period required for liquidating the war. By the second Peace of Paris the Allies had the right to occupy the North of France for five years. In fact, the allied troops were withdrawn at the end of three years, and, when this had been done, France received an invitation at the Conference of Aix-la-Chapelle to take her place in councils of the Allies, an invitation so worded that she was able to do so with full dignity and self-respect.

It was this more than anything else which prevented fresh danger arising from France. The position of the moderate Government, headed by the Duc de Richelieu, was strengthened ; the elements of disorder—and there were many then in France, as there are now in Germany—were discouraged, and France, as an equal member of the European alliance, found full opportunity for political activity, not in opposition to, but in co-operation with, her late enemies.

The situation now is, of course, infinitely more difficult and more complicated than it was then. None the less, in its broad outlines the precedent seems most valuable. If we want to create a feeling of confidence and security throughout Europe, the best means of so doing would be as quickly as possible to settle the outstanding difficulties about German disarmament, and, this having been done, to evacuate the Cologne area. It would be essential, however, that the formal declaration of our firm intention to oppose in arms any German aggression should be made at the same time. Either step taken alone would be dangerous. The evacuation without the declaration would quite justly arouse apprehension in France ; the declaration without evacuation would inevitably arouse an apprehension that we did not intend to carry out our obligations under the treaty in so far as they were obligations to Germany.

For we must look facts in the face. The feeling of uncertainty in Europe does not arise solely from the fear of future aggression by Germany. It is equally, perhaps even to a greater extent, due to the action of France. The long obstruction to any reasonable settlement of the reparation problem, the ambiguous action in the Saar, the undisguised attempts to foster the separatist movement in the occupied area, and, above all, the occupation of the Ruhr, have done

more than anything else to destroy confidence in the permanence of the peace settlement. People ask themselves what can be the results of a system by which the treaties are enforced with the greatest strictness against Germany, but in which it appears that France allows herself the widest latitude in the interpretation of every article which is favourable to Germany. The Allies are put in the position that they appear not to have confidence in their own handiwork. For this reason I believe that the evacuation of the Cologne area would (safeguarded as explained above) do more than anything else to restore confidence throughout the continent.

If we are to be guided by historical analogy, this does not imply anything in the nature of a general treaty of alliance with France. Often enough in the past the conclusion of a great war has been followed by the reversion of alliances. Very soon after the Treaty of Utrecht we found ourselves in actual alliance with France against our former allies. Nobody wants anything of this sort now. We wish, of course, to maintain the most cordial relations with France, but that is no reason why we should not follow our natural tendency and recover our full freedom of action. For this reason, it would probably be desirable that the formal statement of our policy should take the form rather of a unilateral declaration, similar, perhaps, to that which we recently made about Egypt, rather than that of a convention with France.

So far we are on firm ground. There may be, there are, grave difficulties about detailed methods ; the form of any action we should take, the diplomatic machinery we should use ; but the principle and the object are simple, clear and, in fact, not disputed. But if any pact with France were agreed upon, if any formal declaration as to our interests in Belgium or the Rhine were issued, this would carry us a very little way. It is not here, it is elsewhere, that the real difficulty lies. As everyone knows, the danger point in Europe is not the Rhine, but the Vistula, not Alsace-Lorraine, but the Polish corridor and Upper Silesia. And so we are brought against the real problem : what is the nature of our obligations regarding the central and eastern portions of the continent of Europe, and what is the extent of the responsibilities to which we can commit ourselves ? Or, in other words, how far are we pledged, and how far ought we to be pledged, to guarantee all the frontiers as set up by the treaties of peace ?

On this point history gives us no help, for in the past our

diplomacy has always failed when it has been confronted by problems arising in the east of Europe. A cardinal instance is Poland. At the first partition of Poland we were helpless, and equally helpless at the second. The story is even now instructive. In 1791 Pitt proposed to take part in a coalition against Russia. Great indignation was aroused at home; the Opposition was scandalized. Fox, the leader of the Opposition, entered into direct and secret negotiations with Russia. The Russian envoy 'began a furious campaign to arouse the British public against its Government'; inscriptions appeared on the walls of houses in London: 'No war with Russia.' Pitt was beaten; his project failed. Two years later when Catherine and the King of Prussia joined in the second partition of Poland there was immense indignation: 'the Lord Mayor of London started a national subscription to assist Poland against the infamous oppression of Europe.' Fox and his friends saw the mistake they had made, but it was too late. The time had passed; Pitt could no longer intervene; he preserved an entirely passive attitude with regard to the dismemberment of Poland, and immediately afterwards re-entered into close *entente* with Russia. It has always been the same. In 1863 our attempts at intervention against the Russian suppression of Polish liberties did more harm than good.

The reasons for this are twofold. First, Poland is so far removed from our shores that no Government would have been justified in embarking on a great war to protect Poland, however just her cause might be. Secondly, in these parts of the world we could do nothing so long as the three great Eastern Powers were united. Conditions have now changed. We have got rid of the great military monarchies to whose dominion the north and centre of Europe have so long been subjected. And the first condition has also changed. It is the real interest of this country to prevent a new alliance between Germany and Russia, an alliance which would no doubt be cemented by an attack on Poland. We cannot now be indifferent if Germany breaks through upon the east and there begins to acquire a new accession of territory and strength which would inevitably in the future be brought to bear upon the Rhine.

France has dealt with this problem frankly and honestly. She sees, and sees rightly, that the future of Europe is bound up with the defence of the new States, and she has therefore taken the obvious course of making alliances and military

arrangements by which they are, in case of danger, assured of the full support of the French army. There has been some tendency in this country to criticize these arrangements; there are many who regard them with suspicion, as militarist in character. I see no reason for doing so. And if I am in doubt, I go back to the events of 1920. In the August of that year Poland was exposed to a terrible danger; the Bolsheviks were at the gates of Warsaw. Had they been successful, had the new Polish Government been overthrown, the whole of Eastern Europe would have been thrown into turmoil, and no one can tell how far the disorder would have spread. Poland appealed to us, and I need only say that, if she had depended for her existence on British support, she would have been disappointed and destroyed. It was the active support given by France in an hour of crisis by which Poland and Europe were saved. France acted then as we acted at Chanak; at Chanak, France failed Europe; at Warsaw, we failed Europe. The two events may be written off against one another, but we cannot afford to let anything of the kind happen again.

It will be asked, do you seriously propose that any British Government should ask the Dominions to go to war to protect the Upper Silesian decision or the Polish corridor? We must make a distinction. There are great things and small things. There are many details in the present frontiers which might no doubt be improved and which could be altered without vital injury to the States affected. With such small things I will not deal, but with the great things. And I will ask the other question. Has anyone attempted to realize what would happen if there were to be a new partition of Poland, or if the Czechoslovak State were to be so curtailed and dismembered that in fact it disappeared from the map of Europe? The whole of Europe would at once be in chaos. There would no longer be any principle, meaning or sense in the territorial arrangements of the continent. Imagine, for instance, that under some improbable condition, Austria rejoined Germany; that Germany, using the discontented minority in Bohemia, demanded a new frontier far over the mountains, including Carlsbad and Pilsen, and that at the same time, in alliance with Germany, the Hungarians recovered the southern slope of the Carpathians. This would be catastrophic, and, even if we neglected to interfere in time to prevent it, we should afterwards be driven to interfere, probably too late.

We are too timid and modest about our own achievements;

there is too much criticism and not enough defence. Cannot we recognize that the settlement of 1919 was an immense advance on any similar settlement made in Europe in the past ? In broad outline, it represents a peace of reason and justice, and the whole fabric of the continent depends on its maintenance. Again, let me insist that I do not suggest that it might not be improved in many details. The Upper Silesian decision is no doubt capable of improvement ; there are points in the frontiers of Hungary, both on the north and the east, which it would be difficult to defend ; it is not a matter of this kind of which I am thinking, but of the great outstanding principle that Poland, Czechoslovakia, Roumania, Hungary, Bulgaria and Jugoslavia should be assured of a secure continued existence, so that they may take their place with the secondary and minor States of Europe, with Belgium, Holland and the Scandinavian countries.

What is it that the smaller States really want ? Surely it is confidence that in the case of a serious crisis they could look forward to active and effective support, especially from this country. It is no use telling them in a rather vague way that we will carry out our obligations under the League of Nations, for both under the covenant and under the protocol, there is a serious omission on an essential point. Ultimately everything depends upon the active support which would be given to the League. While every nation which is a member of the League is in theory bound to join in enforcing its decisions, in practice the degree and nature of the support is left to the voluntary determination of each State. This is a necessary consequence of the fact that the League and the protocol are both general and have no local limitations. The result is lamentable vagueness in the essential matter. As far as this country is concerned we should not leave the world in this state of uncertainty and should in some way or another clearly state that we are interested in the maintenance of the new system in Europe, that we could not regard with equanimity the forcible overthrow of any of the new States, and that if a grave crisis arose, we could be depended on to carry out the obligations into which we have entered.

The form, manner and method of any such declaration would, however, differ from any declaration regarding the Rhine and Belgium. Even in this matter we cannot neglect our traditions ; if France makes a formal alliance with Poland she is only continuing the policy of the eighteenth century. This is the sort of thing which the French always have done

and always will do, the sort of thing which we have never done in the past and cannot do in the future. This does not mean that we should do nothing. The exposition of our policy in this case should not take the form of a binding alliance, neither should it, nor need it, be couched in the form of a formal note. It should be rather an official statement of policy made by the Secretary of State, either in Parliament or to the Dominions, and it could be linked on to the discussions regarding the protocol. It would be a clear intimation to the League that in certain cases they would be able to depend upon the full support of this country, in any active measures which might be necessary for enforcing their decision.

The truth is that as soon as we examine this problem, we must appreciate the enormous value of the institution of the League of Nations, and to no country should it be, if properly used, so valuable as to us. The whole contention is that we cannot dissociate ourselves from responsibility in regard to what happened in Eastern and Central Europe, but that on the other hand the older system of the Concert of Europe did not in regard to these matters provide the necessary machinery.[1] The Council of the League gives us just the forum which we require in order to use our whole influence for conciliation, and, which is the same thing, for assuring that any particular question which arises shall be dealt with, not on general political grounds, but on its merits. A single illustration will suffice. The whole hope of averting war in 1914 was to secure a speedy settlement of the Austro-Serbian conflict. The best way of doing this would have been that Europe should have taken cognizance of it, intervened and imposed a decision. This was prevented by Germany when she declared that it was a local matter which did not concern Europe. It was indeed a local matter, but it was one which did concern Europe. But as the question at issue did not arise out of any treaty to which we had been a party, we had no ground for intervention and had no alternative but to take up the position that we were not interested in a dispute between Serbia and Austria. Had the League of Nations been in existence the matter would automatically have been brought before the Council and it is not too much to say that war would almost certainly have been averted.

There is, however, one matter in which past history shows us that the present arrangements are defective. If we look back to the history of the settlement made at Vienna we find

[1] It would be impossible within the limits of this paper to explain this in detail.

that it had scarcely been completed before changes and modifications began. These were essential, and often, though not always, they were brought about by peaceful means. The settlement of 1919 is infinitely superior to that of 1815, but none the less we all know that it will in many details eventually have to be revised. There is urgent need for some machinery by which this could be made possible. This is a point on which in any revision of the protocol we must insist.

The preceding considerations, if they have any value, lead to the conclusion that what is wanted is some arrangement by which, in close connexion with the League of Nations, special responsibility for dealing with European questions should be thrown immediately upon the States of Europe themselves. We want a European protocol. Disguise it as we may, the system of separate alliances, such as the Little Entente, the Franco-Polish Alliance, or any Franco-British pact, are fundamentally inconsistent with the Covenant of the League. The same objection would not apply to a general agreement among all the States of Europe, an agreement in which of course Germany would be included, for to-day a Europe without Germany would be as unstable as in 1818 would have been a Europe without France.

This leads to the crux of the whole matter ; how does it affect us in our peculiar position ? This country has a double status. In the first place it is an integral part of Europe, a European State, just as much as is France or Germany ; secondly it is the centre and nucleus of a world-wide confederation, the other members of which are the Dominions. How are we to reconcile these divergent and often opposed obligations ?

There is one school of thought which, intent on our world interests, would aim at dissociating us from local European concerns. There is another which seems to argue that whenever we are brought into a European problem, we must necessarily bring in with us the whole Empire, and by the very fact that we do so, make it a world concern. One of the chief objects of this paper is to combat these two views. Our interests in the Empire must not lead us to neglect our European interests ; on the other hand, we should always attempt, if possible, to localize a European conflict and not confuse it by merging it in wider issues.

For, after all, so far as we can foresee, most of the conflicts and difficulties which are likely to arise in Europe will be of

purely limited and local interest. It is quite probable, for instance, that an acute crisis might arise between Jugoslavia and Italy, between Czechoslovakia and Poland. The Dominions might quite rightly say that matters of this kind do not concern them. Great Britain, however, could not take that point of view. She cannot abdicate from her traditional position as one of the Great Powers in Europe. And with this thought in mind I turn again to the Covenant of the League of Nations. Among the constituent States, we find included the British Empire and also the Dominions of Canada, of India, of the Irish Free State. Nowhere do we find Great Britain. But there are matters on which Great Britain has the right to speak, and if we are to restore Europe, we must at the same time restore Great Britain—we can no longer say the United Kingdom.

If we turn to the proposed pact of 1919 we find this point clearly recognized. It was to have become effective for each of the Dominions only if it were ratified by its Parliament. It was believed at that time that Great Britain might properly enter into a most serious political alliance for herself alone without bringing in the Dominions. Surely this is a right conception and one which ought not to be lost sight of. This is just a case in which we ought not to allow grave matters of policy to be determined purely in regard to technical legal difficulties. It may of course be argued that if this country finds itself involved in war, technically every one of the Dominions also becomes a belligerent. But practically, this need not cause much difficulty or inconvenience. So long as our command of the seas is secure, none of the Dominions would be exposed to any danger in their own territory and the technical difficulty in commercial matters arising from the fact that they were not neutrals, but belligerents, would surely in practice be almost negligible.

And now we come to a point which may at first seem paradoxical. It is not at all clear that a conflict in which even Germany herself were involved would be a world rather than a local struggle. Current discussions seem not to take sufficient account of the changed position of Germany. We are still obsessed with the recollection of Germany in 1914. Germany was then, as she never ceased to remind us, a world Power; what we had to meet was a Germany with a great high seas fleet, with possessions in every continent, and a Germany which had long matured plans for the overthrow of the British Empire by her influence on the Mahometan world. It was

the Germany with Von der Goltz and Liman von Sanders in Constantinople, the Germany of the Bagdad railway, the Germany whose influence and intrigues were felt from end to end of Africa. A war against a Germany of this kind must necessarily be a world war and bring in, therefore, all our Dominions, just as it eventually brought in so many American States. But the Germany we have to deal with now is something very different. At the worst it would be a Germany like that of 1870, and let us recollect that the war of 1870 was a local European war, and would have remained a local European war even if this country had become involved.

But in fact Germany of the present day or Germany of any near future is not even the Germany of 1870. What made the old Germany formidable was the strength which came from loyalty and discipline, the overwhelming confidence in her own national mission, the long subservience to her rulers, the immense pride in her army. All this is now gone. The moral basis of the empire has been overthrown and not even the French have really been able to restore it. We can be quite sure that the shrill vociferations of Count Westarp and his friends will arouse as much opposition at home as abroad. Their ideal is in the past. What they are trying to do is to restore something which has been destroyed. It is not to them that the future belongs. The mass of the German people shrink from the prospect of a new war just as much as do the English or the French, and German ambitions need not alarm us so long as we see to it that Germany is confined within her present limits; that we shall be able to do with the help of our former European allies.

So far nothing has been said of Russia. During the nineteenth century Russia had come to be one of the European Great Powers; for the time she has ceased to hold this position. Partly by the separation of Finland, the Baltic States, Poland and Bessarabia, Russia is even physically further removed from Europe. Morally and intellectually she has still more definitely separated herself from the European system. But we cannot ignore Russia and we never can forget that at any moment she may once again become a great danger to Europe. At the moment the prospects are apparently good. The fall of Trotsky has presumably checked tendencies towards military aggression, but no one can foresee how soon they will be resumed, and as long as Russia continues in her present state there can be no real disarmament, there can be no firm security for States bordering on Russia.

In case of danger, these States must be able to look for support to their colleagues in the League of Nations. We want no menace, no obtrusive military alliances, but we must never forget that ultimately the cause of these border States is our own. And here, again, I am not thinking of minor local difficulties. It would not matter to us in the least if there were a resettlement of the Bessarabian question such that those small parts of the province in which there is a Ukrainian majority were reunited to Russia. We are certainly not pledged to maintain the eastern frontier of Poland in its present form. But, on the other hand, a concerted and determined attack, whether on Roumania or Poland or on the Baltic States, could not leave us indifferent. In this case we should require the full support of the Dominions. For Russia is essentially a great Asiatic Power ; any conflict with Russia at once brings in India, and through China and Japan, it affects even Australia.

But after all, if we look at Europe as a whole, is not the present state of anxiety, though natural enough, much exaggerated ? We are still too much under the impressions of the late war. There are too many alarmists in the world. In fact, the political as distinguished from the financial dangers of the present are probably very much less than those with which our predecessors had to deal. People talk as if every small and local conflict would almost inevitably develop first into a European, then into a world war. The history of the past does not support this conclusion. There is no reason to believe that if a conflict should unfortunately arise, let us say between Greece and Jugoslavia, Jugoslavia and Italy, Roumania and Poland, this would necessarily spread. Of course, it is all to the good that any such local conflict should be stopped before it became an actual war, and this country can always be depended upon to do its part with the League of Nations to prevent this taking place. But even if the League of Nations were to fail, it is quite possible that no very serious results would follow. It is difficult to see why a general war should break out in Europe unless either Germany or Russia were involved. With Germany at least we can deal. In the past, Balkan disturbances were a danger to the whole of Europe because of the rivalry of the Great Powers for the Turkish inheritance. By the liquidation of the Turkish Empire, combined as it has been with the liquidation of Austria, this danger has been removed. We have at last established a territorial settlement of the Balkans which

(though it is open to improvement in certain details) seems to have all the elements of permanence. We can now see what few understood in 1914, that the Austrian Empire threatened to become the cause of a succession of wars. Only a few far-seeing men then grasped the situation as it really was, that the monarchy was moribund. Normally we might have expected a series of wars extending perhaps over fifty years, arising out of its dissolution. All this has been compressed and the work has been achieved within four years. We have not yet learned to appreciate how much has been done and what great progress has been made.

Apart from Germany and Russia, the real danger to the security of the new States is not external, but internal. They have much to learn in the arts of government, but we must not be too impatient. If we recall the circumstances in which they came into being we should rather be surprised and grateful for what they have done than too critical about their defects. Europe owes a great debt to the men who, in the crisis of 1918, had the ability and resolution to create new centres of order and authority in Warsaw and in Prague. It will take many years, perhaps even generations, for them to achieve success. But do not let us forget the past history of other European States. For generations the history of Sweden was a record of disorder, aggression and revolution. Let those who are despondent of the future read the history even of Scotland in the sixteenth century. They will learn that out of present extravagances and misrule there may easily arise in the future a prosperous and well-governed State.

In this process of construction there is a great part for us. We can do much to help these states to build up their new institutions; we can do so first by wise advice and by the judicious pressure exercised by diplomatic agents. But the effect of any such representations depends very largely on the belief that they can look to us for help in grave danger. What we want them to understand is that ultimately their future may largely depend upon the amount of confidence and sympathy which they have won in this country. We want, for instance, the Poles to realize how much harm may be done to their own cause by injustice in the treatment of their minorities at home or by foolish and wanton affronts to any of their neighbours. Acts such as the seizure of Vilna by Zieligowski, or the constant petty annoyances in Danzig, would make it extraordinarily difficult to persuade the English to come to their assistance. This is a motive

which we should be able to use, but we cannot use it unless these States believe that there is a real intention and desire on the part of the Government to support them.

But more than in any other way, we can help them commercially. After all, the whole Western civilization in which this country takes so prominent a part has been built up on the civilizing influences of production and trade. Ultimately we depend for the maintenance of society on the free co-operation between individuals and States in the satisfaction of the ordinary needs of human life. It is this for which, above all, this country stands in the world. The whole system is now challenged by the Bolsheviks and the Communists; they are working assiduously in every country to overthrow our civilization; the method of meeting this attack is the old-fashioned method of commerce built up, as it ultimately must be, on mutual confidence. Every shipload of goods imported to or exported from Poland and the Baltic States is a fresh plank in the scaffolding of the new Europe; but merchants and exporters tell us that their work is impeded by the want of political confidence. If we do our part in creating political confidence, then we may hope that the natural human motives and free activities of mankind will slowly but surely build up a stable structure.

February, 1925.

CHAPTER VII

THE ACQUISITION OF CYPRUS IN 1878[1]

The Cyprus Convention.

THE text of the 'Convention of Defensive Alliance'—better known as the Cyprus Convention—concluded between Her Majesty's Government and His Imperial Majesty the Sultan of Turkey on the 4th June, 1878, under which we occupied Cyprus on the 12th July in the same year, is as follows:

ARTICLE I

If Batum, Ardahan, Kars or any of them shall be retained by Russia, and if any attempt shall be made at any future time by Russia to take possession of further territories of His Imperial Majesty the Sultan in Asia as fixed by the definitive Treaty of Peace, England engages to join His Imperial Majesty the Sultan in defending them by force of arms.

In return, His Imperial Majesty the Sultan promises to England to introduce necessary reforms, to be agreed upon later between the two Powers, into the Government and for the protection of the Christian and other subjects of the Porte in those territories. And in order to enable England to make necessary provision for executing her engagements, His Imperial Majesty the Sultan further consents to assign the Island of Cyprus to be occupied and administered by England.

It will be seen that this convention contains provisions of the highest political importance, for by it the British Government enters into a formal engagement to maintain the integrity of the Turkish dominions in Asia against Russia. The general guarantee of the integrity of Turkey incorporated in the Treaty of Paris of 1856 having broken down, Great Britain now acts alone. It is a far-reaching military commitment of a kind to which the Government and Parliament have in recent years been very averse. The arrangement about Cyprus is subordinate and secondary; the conditional and possibly temporary occupation of the island appears merely as providing a convenient base for the maintenance of British influence and authority on the mainland, influence and authority which are to be

[1] [This memorandum was written in collaboration with Mr. W. J. Childs, who has kindly consented to its inclusion in this volume.]

used for two purposes, for defence against Russian aggression, and for necessary reforms of the Government in Asia Minor.

Owing to the recent publication of the lives of Lord Beaconsfield and Lord Salisbury, it is now for the first time possible to give some consecutive account of the reasons for which this very important step was taken. In this, as in other similar matters, the records of the Foreign Office are very defective. They contain practically no information as to the preliminary discussions, for Lord Beaconsfield, who, as Prime Minister, took an exceptionally active part in the direction of foreign affairs, does not seem to have used the Foreign Office machinery, and Lord Salisbury, at the time when he became Secretary of State, conducted the most important correspondence privately and no copies of his letters are available.[1]

The general situation in the spring of 1878 is well known. Russia had conducted a successful war against Turkey, and in February the Russian army was at the gates of Constantinople. The Cabinet had therefore to consider the methods they would have to adopt in order to safeguard British interests in the Balkans, the Levant and Asia. The first step determined on after much vacillation was to order the British fleet to sail through the Dardanelles and to take up its position in the neighbourhood of Constantinople. This it did on the 13th February. On the 3rd March the Russians concluded with Turkey the preliminary Treaty of San Stefano. The terms were not officially communicated to the British Government, but soon became known. They were quite unacceptable. In Europe, they included the establishment of a Greater Bulgaria, extending both to the Adriatic and to the Ægean; this would have implied a complete domination by Russia of the Balkans, and, with the Balkans, of Constantinople and the Straits. In Asia they included the acquisition by Russia of Kars, Ardahan and Batum; this would have gone far towards making the Black Sea a Russian lake and would have opened

[1] In particular it is to be regretted that the records of the Foreign Office do not include copies of the correspondence which he conducted during the month of April 1878 with Mr. Layard, then Ambassador at Constantinople, for, as is apparent from the extracts printed in his biography, it contains a valuable exposition of his motives and point of view. The matter is of great importance. After Lord Salisbury left office, neither the Department nor his successor would have for reference the full statement of the reasons for which this very serious step was taken. All that was available was the despatch of the 30th May, which was written for publication. This must have added to the difficulties in securing continuity of policy.

the whole of Turkey in Asia to Russian influence and invasion. The British Government therefore demanded that the whole treaty should be submitted to a conference of the Powers. In this they were on sure ground, for there was practically not a single clause which did not imply a modification of the treaties of 1856, and it was an agreed doctrine that a European settlement could not be altered by one party to it without the consent of all the others.

It was necessary, however, for the Government to determine the precise points to which, whether a conference was held or not, the British Government should object. On the 21st March Lord Salisbury, then Secretary of State for India, sent a note to Lord Beaconsfield in which he briefly specified what he considered ought to be the British requirements. He did not propose either then or at any future time, by threat of war, to prevent the Russian acquisitions in Asia, but he suggested that, as compensation for them, there should be secured 'two naval stations for England, say, Lemnos and Cyprus, with an occupation, at least temporary, of some place like Scanderoon, for the sake of moral effect'. On the 27th March there was an important meeting of the Cabinet at which, to quote Lord Derby's diary, the Prime Minister—

> addressed us in a set speech to the effect that . . . peace is not to be secured by 'drifting', that an emergency had arisen and that every State must look to its own resources. . . . The balance of power in the Mediterranean was destroyed. He proposed to issue a proclamation declaring emergency, to put a force in the field, and, simultaneously, to send an expedition from India to occupy Cyprus and Scanderoon (Alexandretta). Thus the effect of the Armenian conquests would be neutralized, the influence of England in the Persian Gulf maintained, and we should hold posts which are the key of Asia. Cairns and Salisbury both supported the Premier, showing clearly by their language that they were aware of the plan now proposed, and had discussed it with him in detail; others supported more vaguely. I declared my dissent.[1]

Originally, then, the proposal to occupy Cyprus was connected with the projected despatch of Indian troops to the Mediterranean, and was conceived as a rather high-handed act, involving direct aggression against Turkey. It was this which led to the resignation of Lord Derby. During the next months, however, the plan was radically altered; under the hand of Lord Salisbury, who now became Foreign Minister, it was

[1] *Life of Benjamin Disraeli* (*Lord Beaconsfield*), by Buckle, Vol. VI, p. 266.

stripped of its rather melodramatic qualities and became the centre of his whole Eastern policy. In his mind the problem of our attitude towards the treaty of San Stefano and the great advance of Russian power which it involved divided itself into two separate compartments, Europe and Asia. He dealt with each with equal decision and foresight. His proposals for the European problem were incorporated in the important despatch of the 29th March, in which the grounds for opposing the creation of a Greater Bulgaria were urged with much cogency. Here Great Britain did not stand alone. He could expect, and he received, the support of Austria-Hungary, and, as is well known, his policy was crowned with success ; it was consummated in an agreement with Russia of the 30th May.

The Asiatic problem was different, for here Great Britain would have to act alone. The policy matured in Lord Salisbury's mind during the months of April and May. It was explained in a series of letters to Mr. Layard, the recently appointed Ambassador to the Porte, and also by Lord Beaconsfield in his correspondence with the Queen. The idea of making the Russian acquisition of Kars and Batum a *casus belli* was rejected. On the 3rd June, 1878, Lord Salisbury wrote to Sir Henry Elliot :[1]

> . . . The first point in our communications with Austria which seemed quite evident was that we should get no help from her as to Turkey in Asia. This was not unnatural on her part, but it forced us to face the question whether we were prepared to go to war for Kars and Batum alone. This expedient on the whole did not commend itself, for it was quite evident that when we had taken them, unless we were prepared to defend them, we should have done nothing ; and if, for the sake of the rest of the Turkish Empire, we were prepared to defend their north-east frontier, was there anything in these particular positions which made them worth a bloody war with a doubtful issue in the first instance ? If we had had anybody to help us the matter might have been different. But, standing alone, we have thought it better to take measures (not yet quite complete) for the protection of Turkey in Asia, and not to go to war about the Armenian conquests.

The problem, then, was to discover some other means by which the danger of Russian aggression might be impeded. This was to be found in an alliance between Great Britain and Turkey for the defence of her Asiatic dominions ; this alliance, however, to be effective, would require a military and naval station, either on the soil of Asia or in close proximity to it. Where could such a station be found, except in Cyprus ?

[1] *Life of Robert, Marquis of Salisbury*, by Lady Gwendolen Cecil, Vol II, p. 261.

Lord Salisbury wrote to Mr. Layard on the 2nd May, 1878:[1]

The mere presence of the Russians at Kars will cause Persia, Mesopotamia and Syria to turn their faces northward. Then a Russian party will arise—and consequent disorder—and the languid administrative powers of the Porte will be overtaxed, and a chaos will follow, of which, in some form or other, the Russians will take advantage to reduce the Porte to impotence and to turn its provinces into Russian satrapies. The presence of England is the only remedy which can prevent this process of destruction from going forward. I think we might very properly enter into a defensive alliance with the Porte, undertaking to join in defending her Asiatic Empire from any attacks of Russia. I cannot, however, say this definitely, for, though I find it is agreed to by such of my colleagues as I have seen, I cannot be certain that the Cabinet will sanction it. Personally, I think that such an arrangement would prevent any further encroachment of Russia, and would also check that turning Russiawards on the parts of the inhabitants of Western Asia, which I dread. But, to give any strength or value to such an undertaking, some port in the Levant would be an absolute necessity. It would be ridiculous to attempt to exercise any such protective office from such a distance as Malta.

And again, on the 9th May:

The great problem which the Turk will have to solve as soon as he has got rid of the Russian army off his soil is, how to keep his Asiatic Empire together. . . . If he has his own strength alone to trust to, no one will believe in his power of resistance. He has been beaten too often. The Arabs and the Asiatics generally will look to the Russian as the coming man. The Turk's only chance is to obtain the alliance of a great Power—and the only available Power is England.

Is it possible for England to give that alliance? I cannot speak yet with confidence, but I think so. For England the question of Turkey in Asia is very different from the question of Turkey in Europe. The only change possible for the Asiatic Christians would be to come directly under the Government of Russia. There can be no question of autonomy—of young and struggling nationalities and the rest of it. Now, the direct government of Russia is pleasant for nobody, but to Christians of a different rite it is the most oppressive conceivable. Even, therefore, for the sake of the Christians, England would not be restrained by any consideration of humanity from engaging to resist the further advance of the Russians. And the vast majority of the populations of Asiatic Turkey are Mahommedans, to whom the Turkish Government is congenial and as good as any other Mahommedans get except our own. And while Russian influence over the provinces of European Turkey would be a comparatively distant and indirect evil, her influence over Syria and Mesopotamia would be a very serious embarrassment, and would certainly, through the connection of Bagdad with Bombay, make our hold on India more difficult. I do not, therefore, despair of England coming to the conclusion that she can undertake such a defensive alliance. But for that purpose it is, as I said

[1] *Op. cit.* Vol. II, p. 266, etc.

before, absolutely and indispensably necessary that she should be nearer at hand than Malta.

On the 5th May Lord Beaconsfield wrote to Queen Victoria :[1]

If Cyprus be conceded to your Majesty by the Porte, and England, at the same time, enters into a defensive alliance with Turkey, guaranteeing Asiatic Turkey from Russian invasion, the power of England in the Mediterranean will be absolutely increased in that region, and your Majesty's Indian Empire immensely stregthened.

Cyprus is the key of Western Asia.

Such an arrangement would also greatly strengthen Turkey in Europe, and altogether she would be a stronger barrier against Russia than she was before the war.

If this policy be carried into effect, and it must be carried, your Majesty need fear no coalition of Emperors. It will weld together your Majesty's Indian Empire and Great Britain. As Lord Beaconsfield is soon to have the honour of an audience of your Majesty, he will reserve this great subject until that time.

To this project the Cabinet gave its approval on the 16th May, and the whole scheme was explained in a letter of the same date to Mr. Layard :[2]

Two conditions, however, are indispensable. If our defensive alliance is to be worth anything, we must not be hampered by divisions at home, and we must have every facility for exercising vigilance and giving assistance in Asia. To meet the first object it will be necessary that the Porte should give us specific assurances of good government to Asiatic Christians, similar to those given in the treaty to Russia, and should thereby invest us with a special privilege of advice and remonstrance in case of any gross abuse.

To meet the other, the Porte should concede to us the occupation of Cyprus. It has the double advantage of vicinity both to Asia Minor and Syria ; it would enable us without any act of overt hostility and without disturbing the peace of Europe to accumulate material of war, and, if requisite, the troops necessary for operations in Asia Minor or Syria, while it would not excite the jealousy which other Powers would feel at any acquisitions on the mainland.

We should not desire to acquire it in any way which could indicate hostility to the Porte or any acquiescence in partition. We should therefore propose to hold it as part of the agreement by which we undertook to defend the Asiatic Empire against the Russians, and we should distinctly stipulate that, as both these engagements were consequent on the Russian annexations in Armenia, as soon as these should cease, both our defensive alliance and our occupation of Cyprus should cease also.

The crisis came at the end of the month. In Lord Salisbury's mind, and also presumably in that of Lord Beaconsfield, the Cyprus Convention was the key of the whole situation ; though

[1] *Life of Benjamin Disraeli*, Vol. VI, p. 291.
[2] *Life of Robert, Marquis of Salisbury*, Vol. II, p. 269.

the arrangement with Russia regarding Europe was practically complete, it was not signed until after the other part of the settlement—that concerning Asia—had been carried through, and, if the Asiatic project had failed, the whole plan, which was the basis for the Congress of Berlin, would have fallen to the ground. This is shown by a telegram which was despatched to Mr. Layard on the 23rd May, which contains his official instructions, a telegram which has never been published. The proposal was put before the Sultan as an ultimatum with a time limit of forty-eight hours ; if it was not accepted, then the friendship of Great Britain would be withdrawn, and the result would be the partition of the whole Turkish Empire :

Propose most secretly to Sultan following defensive alliance, to secure his territory for the future in Asia :

If, at any future time, Russia shall attempt to take possession of any portion of the Asiatic territories of Sultan, as fixed by the definitive Treaty of Peace, England engages to join Sultan in defending them by force of arms. In return, Sultan promises to England to introduce necessary reforms (to be agreed upon later between the two Powers) into government of Christian subjects of the Porte in Armenia ; and, in order to enable England to make necessary provision for executing her engagement, Sultan further consents to assign the Island of Cyprus, to be occupied and administered by England.

It is impossible for England to exercise the necessary vigilance over Syria and Asia Minor and to accumulate, when required, troops and material of war in time to be of use in repelling invasion or frustrating attempts to excite rebellion in Asia Minor or Syria unless she possesses a stronghold near the coast. Presence of English in Cyprus will enable them to strengthen Sultan's authority in Syria and Mesopotamia, where, after late events, it will probably be much shaken. As England has no desire to impoverish Porte, she will pay yearly whatever is the present excess of revenue over expenditure in the island. This alliance will be conditional on Russia retaining Kars and her conquests in Armenia. If they are given up, Cyprus will be evacuated and this treaty will be at an end.

Press an immediate acceptance of these terms with all energy in your power. Point out that this arrangement makes safe Asiatic Turkey, the field from which the Sultan's army is supplied with men, and that it must be accepted at once if Sultan wishes to retain the goodwill of England. The present opportunity, if neglected, will never recur. We are on the point of an arrangement by which Russian army will be withdrawn from Constantinople, and the autonomous Bulgarian Principality will either be limited to north of the Balkans or got rid of altogether. If the Sultan does not consent to the above arrangement, these negotiations will be broken off at once, and the capture of Constantinople, and the partition of the Empire, will be the immediate result. Nothing has saved the Sultan from this extremity, for which not only Russia, but other Powers, wished, except the friendship of England ; but England will desist from all further efforts unless Sultan agrees to allow her to protect his Asiatic Empire by an alliance

on these terms. Make Sultan understand that you must have written engagement as above not later than Sunday evening, and that the most absolute secrecy must be observed.

On Sunday, the 25th May, the answer was telegraphed by Mr. Layard that the Sultan accepted the proposed convention, and after this Lord Salisbury proceeded on the 30th May to sign the secret agreement with Russia. In this, a paragraph, which at that time was obscure, refers to the Cyprus Convention :

> In consenting not to contest the desire of the Emperor of Russia to occupy the port of Batum and to guard his conquests in Armenia, the Government of Her Majesty do not hide from themselves that grave dangers—menacing the tranquillity of the populations of Turkey-in-Asia—may result in the future by this extension of the Russian frontier. But Her Majesty's Government are of opinion that the duty of protecting the Ottoman Empire from this danger, which henceforth will rest largely (' d'une mesure spéciale ') upon England, can be effected without exposing Europe to the calamities of a fresh war.

Certain minor points of detail having been arranged by telegram, Mr. Layard signed the convention on the 4th June. Meanwhile Lord Salisbury wrote a long despatch to Mr. Layard, containing a very clear exposition of the motives by which Her Majesty's Government had been influenced.[1] It is to be noted, however, that this despatch (which was drafted entirely in his own hand) was not completed until the 30th May, that is, some days after the consent of the Sultan had been given. It appears not to have been despatched that day, and could not have reached Constantinople until after the convention had been actually signed. It was, in fact, not, as it purports to be, the instructions in accordance with which Mr. Layard was to propose the convention to the Porte, but a reasoned defence of the policy written afterwards with a view to eventual publication.

On the 1st July, 1878, an annex to the convention was signed, containing the following clauses :

(*a*) A declaration that the Mussulman Religious Tribunal would be continued in Cyprus.

(*b*) A provision for the administration of Evkaf funds (religious endowments).

(*c*) A provision for payment to the Porte of any excess of revenue over expenditure, the excess to be calculated on the average of the five years preceding 1878.

(*d*) A provision empowering the Sultan to sell or lease lands

[1] See Appendix 1, p. 207.

in Cyprus belonging to the Ottoman Crown or State. (This article was abandoned by the Porte under a supplementary convention signed on the 3rd February, 1879, in return for a fixed payment of £5,000 per annum.)

(*e*) An authorization for Her Majesty's Government to acquire by compulsion land required for public purposes.

In contrast with these clauses dealing only with administrative matters, the sixth and last clause was of great political interest and importance. The text runs thus :

(*f*) That if Russia restores to Turkey Kars and the other conquests made by her in Armenia during the last war, the Island of Cyprus will be evacuated by England, and the convention of the 4th June, 1878, will be at an end.

It would appear as if this clause had been omitted by inadvertence in the original convention. It is referred to in the telegram of the 23rd May.

For the moment complete secrecy had been maintained except that Lord Salisbury seems to have given some information to Count Shouvalov. On the 7th July, just before the termination of the Congress of Berlin, Lord Salisbury communicated the text of the convention officially and confidentially to M. Waddington in an important despatch. This course was rendered necessary, for it could be foreseen that the French would regard the acquisition of Cyprus as a menace to the privileged position which they had so long occupied in Syria. In this despatch Lord Salisbury writes :

Your Excellency is well aware that the advice has been from various quarters repeatedly pressed upon Her Majesty's Government to occupy Egypt, or at least to take the borders of the Suez Canal. Such an operation might not have been at variance with English interests and would have presented no material difficulties. But this policy has never been entertained by Her Majesty's Government. We had received an intimation from the French Government that any such proceeding would be very unwelcome to the French people, and we could not but feel the reasonableness of their objection under existing circumstances. Her Majesty's Government have constantly turned a deaf ear to all suggestions of that kind.

They have been likewise recommended to occupy some port on the coast of Syria, such as Alexandretta, but they felt that, however carefully guarded, such a proceeding might, in the present temper of men's minds, be construed as indicating an intention to acquire territory on the mainland of Western Asia ; and they did not desire to be suspected of designs which are wholly absent from their thoughts. They have,

therefore, preferred to accept from the Sultan the provisional occupation of a position less advantageous indeed, but still sufficient for the purpose and not exposed to the inconveniences I have mentioned. How long the occupation will continue it is impossible to foresee ; but Her Majesty's Government are not without hope that Russian statesmen will in due time satisfy themselves that the territory they have acquired is costly and unproductive, will recognise the futility of any plans which in any quarters may have been formed for making it a stepping-stone to further conquests, and will abandon it as a useless acquisition.[1]

As will be seen later, this reference to Egypt is of great importance. M. Waddington, in communicating the despatch to the French Government, took the opportunity of placing on record the importance of French interests in Syria and laid special stress on Lord Salisbury's repudiation in the name of his Government of ' a policy which might tend towards material occupation, whether of Egypt or only on the banks of the Suez Canal, or on the continent of Asia '. In a further despatch to Lord Lyons, Lord Salisbury says :

The interests of France as a great Catholic Power in the Lebanon and in the holy places of Palestine have always been scrupulously respected by this country. . . . England has a special tie to Egypt because it is the highway to her Eastern possessions, but the great economical and philanthropic objects which European diplomacy is pursuing in that country interest France and England in an equal degree. Neither Power desires to establish any territorial settlement in Egypt or to interfere in any way with the dynasty of the Khedive at present established there under the suzerainty of the Sultan.

Immediately after the convention was made public, on the 8th July, a British squadron, under the command of Lord John Hay, appeared before Larnaca, and on the 11th July the administration of the island was formally taken over from the Turkish authority. Naturally enough, the publication of this convention and the sudden occupation of Cyprus caused much sensation both here and abroad. On the whole, public opinion seems to have approved of the step. During the prolonged crisis there had been violent outbursts of Nationalist, and, as it was called, ' Jingo ' feeling, which was not entirely satisfied by the other parts of the settlement made at Berlin until the Cyprus Convention became known. It was this to a very large degree which enabled Lord Beaconsfield to claim that he had secured ' peace with honour '. On the other hand, Mr. Gladstone characterized it as an ' insane ' convention. It need not be said that it elicited the warm approval of Prince Bismarck who, twenty years before, had regarded the voluntary

[1] *State Papers*, Vol. LXIX, p. 1347.

cession of the Ionian Islands to Greece as a clear indication of British political decay.

It is impossible in reviewing these events not to make a contrast between Lord Salisbury then and in later years. In 1878 we find him in a very serious crisis acting with great promptness and decision. Within a week of the time he became Secretary of State, he boldly took the lead in Europe, and in the Cyprus Convention he worked out and carried into effect a policy which, had it been successful, would have been a turning-point in the history of the Near East. There is no trace of that caution, which often merges into indecision, and of the somewhat wearied cynicism which characterized his policy in his later years. It is, perhaps, not too much to suggest that the failure of his great scheme for ameliorating conditions in Asia Minor left a permanent impression upon his mind. But in addition to this it is probable that he was more strongly influenced than appears in the written record, by his association with Lord Beaconsfield. The imagination, sometimes fantastic, sometimes almost prophetic, and the bold conceptions of Disraeli, joined to the profound but sober intelligence of Salisbury, for a short time gave to British policy a combination of strength and insight which it has seldom reached.

So far we have dealt with the acquisition of Cyprus in close connexion with the political crisis of 1878. There is, however, another aspect of the question. The suggestion was not a new one, and even if this crisis had never arisen it might well have been thought desirable to strengthen the British position in the Levant, and to secure some vantage ground for watching over the development of Syria and Mesopotamia ; both might be of fundamental importance for safeguarding the road to India.

From 1830 until the opening of the Suez Canal the question of constructing a railway from the Mediterranean to the Persian Gulf, and thereby providing rapid communication with India, had, from time to time, aroused attention in Great Britain. Between 1830 and 1840 this project was in the first flush of a novel and attractive enterprise. The early surveys of the proposed route were made by General Chesney and the Euphrates Survey Expedition sent out by His Majesty's Government in 1835. From 1830 to 1840 the project was discussed several times in both Houses of Parliament, was the subject of much press comment, and caught public imagination.

There is evidence that it was regarded from this point of view both by Lord Salisbury and by Lord Beaconsfield. To

Lord Salisbury, anyhow, the demand for a naval station, Lemnos or Cyprus, and the temporary occupation of Scanderoon, represented no new idea :

> The acquisition of some strategic post as a means of securing England's influence in the Eastern seas had been under discussion in Cabinet for the whole of that month [March, 1878]. It had been in the thoughts of Lord Salisbury for a longer period. More than a year before, when he was at Constantinople, he had discussed it as a step desirable to be taken in the event of the Turkish Empire's collapsing. Colonel Home, an officer of the Intelligence Department, in whom he had great confidence, and who was at Constantinople at the time, had suggested Cyprus—or it had turned up in conversation between them—and the idea had so far developed that Lord Salisbury had instructed him to explore and report upon the island from this point of view—instructions which were never carried out, owing to the officer's being called elsewhere ; [1]

and in March, 1878, while he was still Secretary of State for India, he made arrangements for an officer to set out at once in strict secrecy to investigate the situation on the spot.

There can be little doubt that these considerations were also in the mind of Lord Beaconsfield. Disraeli visited Cyprus in 1830, as a young man of six and twenty. He spent only one day there, but has recorded his impressions of the island in romantic and appreciative phrases. He thence passed direct to Beirut, Syria, Jerusalem and other parts of Palestine, a visit which stirred him as a Jew, influenced him deeply, and provided him with scenes and material for his novel *Tancred*, written fifteen years later. He was a young man at the time of his visit, but there is evidence that he already saw countries and peoples and their geographical position not only in the light of the historical past, but with an eye to the future.

The conquest of Syria by the Egyptian forces of Mehmet Ali, under his son Ibrahim Pasha, began in 1831. The war in Syria, in which France strongly favoured Mehmet Ali, while Great Britain and Austria eventually gave armed support to the Sultan, was practically ended by the bombardment of Acre and the capture of that place on the 4th November, 1840, by a combined British, Austrian and Turkish fleet. During this period, therefore, and for many years afterwards, Syria and Palestine in their every political and religious aspect—as an important part of the Ottoman Empire, as a country across which lay the short route to India, as a country holding the key of the East, as a country in which French ambitions

[1] *Life of Robert, Marquis of Salisbury*, Vol. II, p. 214.

completely traversed and threatened British interests, as the land of biblical scene and prophecy—commanded much attention in England. Should Palestine, it was asked, after the capture of Acre, be restored unconditionally to Turkish rule or should some change securing better government be made? It was a time when the question of the restoration of the Jews to Palestine was already a subject of discussion in various sections of the British press.[1] From the combination of the Egyptian withdrawal and British interest in Palestine, there presently emerged a very curious proposal—nothing less than that Great Britain should annex Cyprus and Acre by way of compensation for having ejected the Egyptians and thus recovered Syria for the Ottoman Empire. The proposal met with wide approval in England, where public opinion was still robust and stood in fear of none on such matters. It was argued that the annexation would provide material guarantees for the future safety of Syria and Palestine, give confidence to the peoples of the Ottoman Empire, and ensure the stability of that Empire.

It will be noticed that the arguments used by Disraeli and Lord Salisbury in support of the occupation of Cyprus in 1878 bear a significant resemblance to those used in 1840–41. In fact, it seems that the two British statesmen in shaping their policy in 1878 drew upon the proposals of 1840–41, which owing to international jealousies had come to nothing. It may even be suggested that in thus boldly adopting and giving effect to the earlier proposals they were not unmindful of the public approval the scheme had won then and were encouraged to hope for similar approval now. It should be noted, too, that some of the avowed motives for British annexation in 1840 are hardly to be distinguished from motives of present-day Zionism. It was declared that with England in possession of Cyprus and Acre, the way would be open for the restoration

[1] The subject is treated at length in Sokolow's *History of Zionism*, Vol. I, Chapters XIX, XX, XXI, XXII, XXIII, XXIV, XXV and XXVII. See also articles in *The Times* of the 9th March, 1840, the 17th August, 1840, and in the *Globe* (called a 'Ministerial Paper') on the 31st July, 1840.

In his diary, under date of the 4th November, 1840, Lord Shaftesbury, the chief English protagonist of the movement for the restoration of the Jews, records that he had—

'. . . used every effort to persuade *The Times* to take just views on the Syrian question. I have been successful. Lord Palmerston told me this evening that the concurrence of the Tory papers had smoothed 10,000 difficulties.'

of the Jews to Palestine and the return of biblical truth to the Holy Land. These considerations appear to have carried much weight in England at the time.

Disraeli's novel *Tancred*, as has been said, was written in 1847, and much of the story is cast in Palestine and Syria. The native characters he draws have an extraordinary knowledge of British politics and aims ; and he represents British policy in that part of the world as the subject of daily native gossip. Two curious assertions which he puts into the mouth of a Jerusalem Jew may be cited : ' . . . the English want Cyprus, and they will take it. . . .' Later, the same character asserts : ' The English will not do the business of the Turk [overthrow of Ibrahim Pasha] again for nothing. They will take this city [Jerusalem] ; they will keep it. . . .' These trifles should not be laboured ; they had their origin in events of the time, as the two foregoing paragraphs show. But they also reveal the ideas then floating in Disraeli's mind. When he came to the negotiations with Russia in 1878 his views were inevitably affected by his earlier knowledge of Syria and Palestine and the trend given to his imagination forty or fifty years earlier.

Bearing the foregoing facts in mind, it becomes of interest to recall certain personal matters concerning Disraeli. By blood a pure Jew, he was by professed faith a Christian and Anglican. This unusual combination in himself he ever explained and defended by the argument that Christianity was the obvious and logical development of Judaism. It may be observed too that in his sympathies he was consistently a Jew and a Zionist. He steadily supported the Bill in the House of Commons for removing Jewish disabilities (which the Lords repeatedly threw out), and over a long course of years regularly voted in favour of the measure and made it the subject of some of his most eloquent speeches.[1] Throughout his life he held and displayed an unwavering affection for the Jewish race, the Jewish faith, Jewish history and the land of Palestine, and found cause for pride in his Jewish blood. Not without reason did his enemies publicly attribute his Near Eastern policy to his ' Semitic instincts '.[2]

Viewed after the interval of half a century, even in the partial light of the general facts here brought together, the conviction can scarcely be avoided that the charge contained

[1] *Life of Benjamin Disraeli*, by Monypenny and Buckle, Vol. III, Chapter III.

[2] *History of Zionism*, by Sokolow, Vol. I, Chapter XXVII.

part of the truth, and that if 'Semitic sympathies' be added we get yet nearer to Disraeli's inner personal motives. It becomes, let us say, a reasonable assumption that in securing Cyprus for Great Britain he felt that, sooner or later, the step would bring Palestine and Syria within the orbit of British control.

The great scheme foreshadowed in the Cyprus Convention was never realized. Lord Salisbury, indeed, began work by appointing military consuls in Asia Minor, but he was soon confronted by the extreme difficulty of obtaining any real reform in Turkish administration. Even had he remained in office, it seems probable that his hopes would have been disappointed. In fact, the whole project broke down when Lord Beaconsfield's Government fell in the year 1880 and was succeeded by a Liberal Administration; in 1882 the military consuls were withdrawn. Even more important perhaps was the intervention of this country in Egypt, resulting as it did in a British occupation and virtually British government of that country. By this we secured a military and naval base in the Levant and acquired control over the Suez Canal. This necessarily made Cyprus much less important than it otherwise would have been. The military effect and diplomatic complication resulting from the occupation of Egypt absorbed all available energy, and inevitably Cyprus and Asia Minor were neglected. Moreover, on grounds of general policy, it would have been impossible for this country to extend its influence over Asiatic Turkey at the same time that it practically acquired Egypt, To have done so would almost inevitably have aroused the most active opposition both from France and Russia and would not improbably have brought about a general coalition against us. We have seen that in order to make the Cyprus Convention in the least acceptable to the French it was necessary formally to repudiate any desire for the occupation of Egypt and the Suez Canal. As soon as we settled in Egypt it was a natural corollary that the ambitious schemes for Asia should be given up.

December, 1924.

APPENDIX

The Marquis of Salisbury to Mr. Layard

Sir,— Foreign Office, *May* 30, 1878.

The progress of the confidential negotiations which have for some time past been in progress between Her Majesty's

Government and the Government of Russia makes it probable that those articles of the Treaty of San Stefano which concern European Turkey will be sufficiently modified to bring them into harmony with the interests of the other European Powers, and of England in particular.

There is, however, no such prospect with respect to that portion of the treaty which concerns Turkey in Asia. It is sufficiently manifest that, in respect to Batoum and the fortresses north of the Araxes, the Government of Russia is not prepared to recede from the stipulations to which the Porte has been led by the events of the war to consent. Her Majesty's Government have consequently been forced to consider the effect which these agreements, if they are neither annulled nor counteracted, will have upon the future of the Asiatic provinces of the Ottoman Empire and upon the interests of England, which are closely affected by the condition of those provinces.

It is impossible that Her Majesty's Government can look upon these changes with indifference. Asiatic Turkey contains populations of many different races and creeds, possessing no capacity for self-government and no aspirations for independence, but owing their tranquillity and whatever prospect of political well-being they possess entirely to the rule of the Sultan. But the Government of the Ottoman dynasty is that of an ancient, but still alien, conqueror, resting more upon actual power than upon the sympathies of common nationality. The defeat which the Turkish arms have sustained and the known embarrassments of the Government will produce a general belief in its decadence and an expectation of speedy political change, which in the East are more dangerous than actual discontent to the stability of a Government. If the population of Syria, Asia Minor and Mesopotamia see that the Porte has no guarantee for its continued existence but its own strength, they will, after the evidence which recent events have furnished of the frailty of that reliance, begin to calculate upon the speedy fall of the Ottoman domination and to turn their eyes towards its successor.

Even if it be certain that Batoum and Ardahan and Kars will not become the base from which emissaries of intrigue will issue forth, to be in due time followed by invading armies, the mere retention of them by Russia will exercise a powerful influence in disintegrating the Asiatic dominion of the Porte. As a monument of feeble defence on the one side, and successful aggression on the other, they will be regarded by the Asiatic

population as foreboding the course of political history in the immediate future, and will stimulate, by the combined action of hope and fear, devotion to the Power which is in the ascendant, and desertion of the Power which is thought to be falling into decay.

It is impossible for Her Majesty's Government to accept, without making an effort to avert it, the effect which such a state of feeling would produce upon regions whose political condition deeply concerns the Oriental interests of Great Britain. They do not propose to attempt the accomplishment of this object by taking military measures for the purpose of replacing the conquered districts in the possession of the Porte. Such an undertaking would be arduous and costly, and would involve great calamities, and it would not be effective for the object which Her Majesty's Government have in view, unless subsequently strengthened by precautions which can be taken almost as effectually without incurring the miseries of a preliminary war. The only provision which can furnish a substantial security for the stability of Ottoman rule in Asiatic Turkey, and which would be as essential after the reconquest of the Russian annexations as it is now, is an engagement on the part of a Power strong enough to fulfil it, that any further encroachments by Russia upon Turkish territory in Asia will be prevented by force of arms. Such an undertaking, if given fully and unreservedly, will prevent the occurrence of the contingency which would bring it into operation, and will, at the same time, give to the populations of the Asiatic provinces the requisite confidence that Turkish rule in Asia is not destined to a speedy fall.

There are, however, two conditions which it would be necessary for the Porte to subscribe before England could give such assurance.

Her Majesty's Government intimated to the Porte, on the occasion of the conference at Constantinople, that they were not prepared to sanction misgovernment and oppression, and it will be requisite, before they can enter into any agreement for the defence of the Asiatic territories of the Porte in certain eventualities, that they should be formally assured of the intention of the Porte to introduce the necessary reforms into the government of the Christian and other subjects of the Porte in these regions. It is not desirable to require more than an engagement in general terms; for the specific measures to be taken could only be defined after a more careful inquiry and deliberation than could be secured at the present juncture.

It is not impossible that a careful selection and a faithful support of the individual officers to whom power is to be entrusted in those countries would be a more important element in the improvement of the condition of the people than even legislative changes, but the assurances required to give England a right to insist on satisfactory arrangements for these purposes will be an indispensable part of any agreement to which Her Majesty's Government could consent. It will further be necessary, in order to enable Her Majesty's Government efficiently to execute the engagements now proposed, that they should occupy a position near the coast of Asia Minor and Syria. The proximity of British officers, and, if necessary, British troops, will be the best security that all the objects of this agreement shall be attained. The Island of Cyprus appears to them to be in all respects the most available for this object. Her Majesty's Government do not wish to ask the Sultan to alienate territory from his sovereignty, or to diminish the receipts which now pass into his Treasury. They will, therefore, propose that, while the administration and occupation of the island shall be assigned to Her Majesty, the territory shall still continue to be part of the Ottoman Empire, and that the excess of the revenue over the expenditure, whatever it at present may be, shall be paid over annually by the British Government to the Treasury of the Sultan.

Inasmuch as the whole of this proposal is due to the annexations which Russia has made in Asiatic Turkey, and the consequences which it is apprehended will flow therefrom, it must be fully understood that, if the cause of the danger should cease, the precautionary agreement will cease at the same time. If the Government of Russia should at any time surrender to the Porte the territory it has acquired in Asia by the recent war, the stipulations in the proposed agreements will cease to operate, and the island will be immediately evacuated.

I request, therefore, your Excellency to propose to the Porte to agree to a Convention to the following effect, and I have to convey to you full authority to conclude the same on behalf of the Queen and of Her Majesty's Government :

If Batum, Ardahan, Kars, or any of them shall be retained by Russia, and if any attempt shall be made at any future time by Russia to take possession of any further portion of the Asiatic territories of the Sultan, as fixed by the definitive Treaty of Peace, England engages to join the Sultan in defending them by force of arms. In return, the Sultan promises to England to introduce necessary reforms (to be

agreed upon later between the two Powers) into the government of the Christian and other subjects of the Porte in these territories ; and, in order to enable England to make necessary provision for executing her engagement, the Sultan further consents to assign the Island of Cyprus to be occupied and administered by England.

I am, &c.
SALISBURY.

CHAPTER VIII

THE BLACK SEA, THE BOSPHORUS AND THE DARDANELLES [1]

INTRODUCTORY NOTE

IT seems necessary to supplement the following narrative by calling attention to certain general points which arise out of it.

We may begin with a question of terminology. In the past we find that the question which the British Government had to consider was always that of ' opening ' or ' closing ' the Straits ; quite recently, however, a practice has arisen of speaking of the ' freedom of the Straits '. The difference in language implies a fundamental difference in principle. The older usage was based on the recognition that as the Straits are a narrow channel, both shores of which were within the territories of a single State, that State in law and fact, by universal agreement, exercised full and complete sovereignty over the waterway just in the same way as a country controls the mouth of a river which runs through its own territory. Other countries therefore had no ' rights ' of any kind except such privileges as the Porte chose by treaty to accord to them. This is the doctrine to which all European Governments, and in particular the British Government, have always given their adherence. The political problem was always to influence the Porte, whether by amicable discussion, by bribery, intimidation or force, as to the manner in which it would exercise its undoubted rights of sovereignty.[2]

[1] The authorities which I have used are first the archives of the Foreign Office, and in particular a series of valuable memoranda prepared from time to time in the Library regarding the action of the British Government. It is from these memoranda that many of the quotations in the text are taken. Of published works the most important are *La Mer Noire : Essai d'Histoire diplomatique* (I do not know who the author is) ; *Le Bosphore et les Dardanelles,* by Goriainow ; the only English monograph on the subject is *The Question of the Bosphorus and Dardanelles,* by Phillipson and Buxton, which is of very unequal merit.

In case the length of this memorandum may be the subject of criticism, I may be allowed to point out that the last full memorandum written in the Foreign Office by Sir Edward Hertslet extended to 120 printed folio pages, and this stops at 1877.

[2] [It will be observed that the principle of the ' freedom of the Straits ' is accepted in the Treaty of Lausanne.]

As soon as we use the words 'freedom of the Straits', we are, though perhaps not always with full consciousness and deliberation, committing ourselves to a different principle. Some writers on international law are inclined to approach the problem by laying down the general principle that the high seas are and must be freely open to the navigation of the ships of all nations, whether mercantile or naval; they then proceed to state dogmatically that not only the Black Sea, but also the Straits, are parts of the high seas, that therefore navigation in them should be unrestricted and that their waters are not and cannot be subject to the territorial sovereignty of Turkey or of any other State. The Government at Washington, which has never been a party to the Straits Conventions, seems to have been disposed to adopt this point of view, and has avoided full recognition of the Turkish claims to sovereignty.[1] If this point of view were adopted, then the work of the future would be, not as in the past, to influence the Porte as to the manner in which it exercises its undoubted rights of sovereignty, but to devise guarantees to prevent it or any other Government attempting illegally to establish control over the waterway.

Those who advocate this later interpretation naturally lay stress on the analogy of the Baltic and argue that the Black Sea should be placed in the same category as the Baltic, to which there has always been free access. In some ways the conditions are very similar. Of the entrances to the Baltic, two, the Sound at one spot, and the Little Belt for a considerable distance, are less than 6 miles broad, so that according to the English doctrine referred to by Lord Palmerston [2] they would both come within the territorial jurisdiction of the riverain States. And even though the Great Belt is in no place less than 10 miles broad, we have to remember that there has apparently never been a general agreement as to the 3-mile limit for territorial jurisdiction and the Danish Government have always claimed, and apparently still claim, that the waters both of the Sound, the Great and the Little Belt are within their territorial jurisdiction, and for some centuries they used their authority to impose dues on all vessels passing the Sound. The real difference between the two is, however, not legal and theoretical, but historical. There has never been any attempt, except for very limited periods, to close the Sound and the Great Belt, either to merchant vessels or to ships of war. When a proposal has been made to declare the Baltic a 'closed sea', it has always been defeated. However great the resemblance may be to the lawyer, the historian and the practical politician cannot ignore the fact that the two seas and the two Straits have been for 500 years treated on completely different principles.

The question then arises whether during recent years there has been such a general change as to justify or require the British

[1] See pp. 233 *et seq.* [2] See pp. 229–30.

Government to repudiate all its past declarations, and apply to the Straits some such general abstract principle. Here we come across an important distinction between ships of commerce and ships of war. As to the first, as far back as 1856, the general principle of free access to the Black Sea was, in fact, adopted in the Treaty of Paris ; and moreover the rules governing international communications in times of peace have in recent years been greatly developed. These regulations have been applied to rivers such as the Danube, and means have been found by which they can be put in force without infringing the principle of territorial sovereignty. Everything that can be done for a river might also obviously be done for the Straits, which in many ways have the character rather of a river than a sea. In regard, therefore, to commercial navigation, we appear to have reached a stage at which the transit of the Straits by commercial vessels in time of peace can be formally placed under international regulations ; if so, we can properly speak of the ' freedom of the Straits '.

For the application of such rules either to commercial traffic during time of war or to the passage of warships, both during peace and during war, the historical method gives no guidance. There is no experience in the past to help us. Many have suggested that the rules governing the navigation of the Suez Canal might be applied to the Straits. For the reasons given below,[1] to which others might be added, it seems very doubtful whether the analogy holds. Nor does it appear that much help can be derived from the treatment of other Straits, as, for instance, those of Magellan, for whatever similarity there might be if we approached the problem from the point of view of a theoretical lawyer, the political and practical differences are such as to overpower the resemblance. It may, however, be worth while noting that should the principle be accepted that the Straits, being part of the seas, are and must remain open, the same principle would apparently have to be applied to the Sea of Azof.

All proposals for establishing the freedom of the Straits in this sense necessarily imply an international guarantee (to which, of course, this country would be a partner) for the security of Constantinople against an attack by sea, and also a general undertaking to be observed, even in time of war, to refrain from the military occupation and fortification of either bank of the Straits. The only experience which history affords of guarantees of this nature, seems to be the neutrality of Switzerland and of Belgium ; there are probably few countries which, even since the establishment of the League of Nations, would be willing to depend for their security on the certainty that such guarantees and engagements would not be violated or ignored. This was clearly the opinion of the Russian Government. From 1912 onwards it seems that vague suggestions in this direction were put forward, though I have not been able to

[1] See pp. 243–4.

find any positive and considered proposals, but Russia would not accept guarantees of this kind, and there are obvious objections to making promises which it would be very difficult to fulfil in the stress of war. If the case of the Suez Canal is quoted, it must be pointed out that, in fact, the convention has never been submitted to the real stress of warfare.[1] It has yet to be seen whether any paper convention would be sufficient to deter an interested party from using every means at their disposal to make navigation through the Canal impossible. A guarantee to be effective requires armed force; in the case of a matter of such importance as the Straits, this must be not only adequate in size, but also ready for use at any time to meet an immediate emergency. This was foreseen in the Treaty of Sèvres; under that instrument the security for keeping the Straits open was the right given to Great Britain, France and Italy to maintain naval and military forces there. It may be assumed that neither Turkey nor Russia would be willing now to accept a system which would place access to Constantinople and the Black Sea in the hands of their late enemies.

In order to understand the problem of the Straits, even in its most modern form, it is necessary to start from the condition of things which existed when the Turkish Empire was at the height of its power. During the seventeenth century, not only the shores of the Bosphorus and the Dardanelles, with the Sea of Marmora, but also the whole coast of the Black Sea, were within the territory of the Ottoman Empire. Both the waterway of the Straits and the Black Sea were therefore treated as part of the Ottoman Dominions; the Straits were regarded as fully and completely under the authority of the Porte, as if they had been not the sea but a river. The right of the Sultan to determine absolutely by his own will whether, and under what conditions, ships flying a foreign flag, whether mercantile or naval, should enter the Straits, was as full and unimpeached as is at the present day the right of the Dominion of Canada to control the waters of the St. Lawrence, or of England to control the mouth of the Thames or the Solent. This right has continued until now, subject only to such changes in the exercise of it as the Government of Constantinople might agree to in treaties with one or more foreign States, and if the Turkish sovereignty were restored without conditions this right would

[1] But see pp. 79–80. [In the Great War the fleets of the Allies completely controlled access to the Canal from either end and there was therefore no danger of an actual struggle between rival fleets for the control of the Canal.]

revert to them, not indeed for the Black Sea, but for the Straits.

Down to the latter part of the eighteenth century the practice of the Porte was absolutely to deny entrance into the Black Sea to the ships of any nation whatsoever. 'For 300 years —from 1476 to 1774—they alone navigated and traded in the Black Sea, and they used it as their own domain.' Under the Capitulations by which the right of commerce in the Levant was regulated, the Porte granted to Venice, France, Great Britain and other States, permission for merchant vessels flying their flag to sail through the Dardanelles up to the port of Constantinople, but in no circumstances and under no conditions were they ever allowed to proceed through the Bosphorus. From time to time permission was given to merchants to trade, but never for foreign ships to sail in these waters. Cargoes for Black Sea ports had to be transhipped to Turkish vessels, and in the same way ships navigating the lower waters of the Danube had to tranship their cargoes, and were not allowed themselves to navigate the Euxine. At this period there was no idea of any such thing as a right of way through the Straits into the Black Sea.

A change came when the Russians began to establish themselves on the northern shores of the Black Sea. In the year 1696 the town of Azof on the Sea of Azof was captured by the Russian army, and in the year 1700 a Russian mission was sent to Constantinople to demand the opening of the Black Sea to Russian commerce. This mission arrived at Constantinople on a Russian ship of war. This was the cause of the greatest concern at the Porte. The Turkish Government believed, and acted on the belief, that if a Russian navy were established in the Black Sea, the security of Constantinople would be fatally compromised:

> The Sultan considers the Black Sea as his own house to which strangers cannot penetrate; it is a virgin shut up in the harem, hidden from the view of strangers, and he would rather have war than permit other nations to navigate on this internal sea.

And again:

> When foreign ships obtain the right of sailing freely on this sea, the end of the Ottoman Empire will have sounded.

The request was refused, and for the next seventy years the relations between the two States were governed by this controversy, which was the cause of prolonged wars. During

the reign of Catherine II (1762–1796), the Russians succeeded in establishing themselves along the whole northern shore of the Black Sea, eventually annexing the territory of the Crim Tartars, and by the Treaty of Kuchuk Kainarji (1774) the Porte conceded to them the right to the free and uninterrupted navigation of all the seas which water their States. Their commercial vessels were thereby permitted not only to use the Black Sea, but also to pass through the Bosphorus and the Dardanelles. This treaty was amplified and confirmed by further treaties, as for instance in 1779 and 1783. But in all these treaties the authority of the Porte was maintained by strict regulations as to the size and nature of the vessels which might pass the Straits ; in every case they were required to receive a special firman, and the Porte retained the right of search to assure itself that there were no Ottoman subjects on board.

In this way the Russians had gained not only the sole right to navigate the Black Sea, but also other valuable privileges, for instance, their ships were exempted from the dues which English and French merchant vessels had to pay on passing the Dardanelles. Inevitably the Porte was, though slowly and with reluctance, compelled to grant similar privileges to other States, as to Austria in 1784, to Great Britain in 1799, to France in 1802, to Prussia in 1806.

The further history of merchant shipping need not detain us long. By the Treaty of Bucharest between Russia and Turkey in 1812, all previous treaties were renewed and confirmed. At this time the right of navigation was still a special privilege accorded to a few Powers :

> In 1822 the Ottoman Minister communicated to the Ministers of the Powers whose flags had the right of entrance to the Black Sea a firman of the Grand Seigneur from the date of which the passage of the Bosphorus is closed to the ships of nations to whom the Porte has never accorded the right of entry to that sea. These Powers are requested not to lend their flag to facilitate the passage. Many Sardinian and Spanish vessels, both laden and empty, have been seized in a port of this capital since this order.

It was extended to Sardinia in 1823, to Sweden and Spain in 1827. A great extension was given to the privilege by the Treaty of Adrianople, concluded between Russia and Turkey in 1829 at the conclusion of the war ; by this Russian ships were to be free from any kind of visit whatever on the part of the Ottoman authorities, and it is particularly to be noted that the privileges granted to Russian ships were extended

also to the ships of friendly nations trading with Russian ports :

> The Sublime Porte promises never to allow itself henceforth to stop or detain vessels laden or in ballast, whether Russian or belonging to nations with whom the Ottoman Empire should not be in a state of declared war, which vessels shall be passing through the Strait of Constantinople and that of the Dardanelles on their way from the Black Sea into the Mediterranean, or from the Mediterranean into the Russian ports of the Black Sea.

It will be seen, then, that this treaty in reality throws open the Straits to the free navigation of all nations, and its provisions were reinforced by a series of treaties by which the different civilized States were in this matter placed on the most-favoured-nation footing. As an example of them we may refer to the treaty with the United States of 1830.[1]

From this time both the Straits and the Black Sea have in fact in times of peace been open to the commerce of all nations ; a clause in the Treaty of Paris (1856) establishes the principle for the Black Sea :

> Freed from any impediment, the commerce in the ports and waters of the Black Sea shall be subject only to regulations of health, customs and police, framed in a spirit favourable to the development of commercial transactions.

No such general regulation has been made for the Straits, and down to 1914 the right even to commercial navigation through them seems to have depended solely on the individual treaties referred to above. Apart from the permission given by them, the full sovereignty of the Porte continued, and it has always maintained the formality of the granting of a separate firman for each vessel which passes the Dardanelles, and has continued to make restrictions, as, for instance, that ships may not pass during the night. On these matters there has been frequent correspondence, but it does not appear that any general questions of principle were raised. The only matter concerning merchant shipping on which there still is difficulty is the procedure in the case of war. Difficult questions as to the right of blockade have arisen, and both in 1912 and 1913, though the Straits were not formally closed, serious impediments were actually put in the way of shipping, as, for instance, by mining the channel ; they led to protests by the interested States, and at one time active intervention

[1] See Turkey No. 16 (1878), Cmmd. 1953, which contains the text of the more important treaties.

by Russia, who was acting in close agreement with Roumania, appeared imminent. The consideration of this point of navigation in war does not seem to belong to an historical memorandum, but is rather a question of current international law.

Very different is the position with regard to the opening of the Straits to ships of war ; this is a problem of a completely different order. In it were involved points such as the security of Constantinople, the use of the Straits as the base for a Russian fleet in the Mediterranean, which might become a danger equally to France and Great Britain, and the opening of the Black Sea to the maritime Powers for hostile operations against Russia. Although essentially a question of naval strategy, it was for more than a hundred years to be one of the pivots on which the policy of the great Powers depended. More and more Turkey herself became merely a pawn in the game ; the protagonists were Russia, Austria and the two maritime Powers, France and England, but in order to understand it, we must accustom ourselves to look at it primarily from the Russian point of view.

The Russians, as we have seen, before the end of the eighteenth century, had attained free passage of the Straits for their own merchant shipping ; they were well aware, however, that this privilege was a precarious one ; it had been conceded under pressure and might at any time be revoked if the Porte came under the influence of other States. It could only be permanently secured if the Russians themselves exercised actual control over the Straits. The attainment of this control was always the ultimate object of their policy. The simplest way of obtaining it would be by war, conquest and annexation ; and Catherine II, throughout her reign, sedulously encouraged the national and religious aspiration of the Russian nation to be the liberator of the Orthodox Church, to rescue Constantinople from the infidels and to re-establish the Christian Empire of the East. But Turkey did not stand alone. She was well aware that the other nations of Europe, and especially Austria, France and Great Britain, would not permit so great an extension of Russian power. If Turkey was to be overthrown, then it would have to be dealt with like Poland ; there must be a partition ; and projects for the partition of Turkey were frequent. In 1789 we find the idea of a coalition between Russia, France and Austria, a coalition from which Great Britain was to be excluded. In this, as in every other similar project, Constantinople and the Straits were to be assigned to Russia, Egypt to France. In view of later events,

we must never forget that Egypt and the Straits were always connected ; the fate of the one was to depend on the fate of the other. The realization of any of these projects implied an attempt to exclude the English altogether from the Mediterranean, for, after all, were they not interlopers there ?

We can easily understand then how it came about that Pitt laid down the principle that the maintenance of the Turkish Empire was a British interest. He was thinking of the defence of India and the maintenance of British sea power in the Levant. This was threatened by the Russians, who at this time maintained a considerable fleet in the Mediterranean ; obviously a most dangerous situation would arise if this fleet were able to use the Dardanelles as an impregnable base, particularly so if there were to be an alliance between Russia and France. The activities of the Russians in the Levant were very disturbing ; Catherine had made herself the protector of the Greeks, and in 1768 for the first time a Russian fleet had sailed from the Baltic to the Mediterranean. It did so with the consent and active assistance of Great Britain, who supplied provisions and lent the services of British officers. In 1770, under British officers, it actually entered, though it did not pass through, the Dardanelles. But this friendly feeling soon disappeared ; the British Government became suspicious and jealous, and withdrew their active support.

During the Revolution and Napoleonic wars, the question of the Straits became involved in the great struggle which was taking place. It was a period during which Russian policy was marked by a series of extraordinarily rapid vacillations. But throughout we see running the one firm purpose of securing control over the Straits, with the particular object of extending Russian influence and Russian naval power in the Mediterranean. On the other hand, we have Napoleon, with restless energy, carrying out his great project, the destruction of British maritime supremacy and the overthrow of the British Empire in India. In this he saw that the Levant was one of the cardinal factors, and he never ceased to work in order to secure the help, now of Turkey, now of Russia, in this great ambition.

The first stage begins in 1798, immediately after the accession of the Emperor Paul. The French, who had already occupied the Ionian Islands, sent out their fleet from Toulon ; it seized Malta and went on to Egypt. The Russians had believed that Constantinople would be the objective, and, in fact, an attack on this city was in Napoleon's mind. The first result was an

unwonted combination; an alliance was concluded between Russia and Turkey, which was joined by Great Britain; this is of great importance for the history of the Straits, for by it Russia undertook to send a fleet to defend the Turkish possessions, while Turkey, on her side, now for the first time granted to Russia, 'for this occasion only', free passage for her ships of war through the Bosphorus and the Dardanelles. A Russian fleet availed itself of this permission; it appeared in the Mediterranean and took an active part in the operations against France as an ally of England and Turkey. It seemed to be the beginning of a new epoch. Not only did the fleet sail there once; there was constant coming and going; it seemed to be the object of the Russians that the presence of their ships of war in the Straits should become a matter of course. This fact produced grave apprehension in England, although for the moment the two countries were allied, and it was this jealousy which was one of the principal causes of the sudden change of policy by which in 1801 Paul joined Napoleon. The result was that the Russian fleet, which was in the Levant, became an ally of the French, ready to take its part in an attack on the road to India, and the whole Asiatic position of Great Britain.

The Emperor Paul was assassinated in 1801, and at the beginning of Alexander's reign an important discussion took place as to the policy which should be pursued by Russia with regard to the Straits. Among other contributions Count Kotchoubey presented a memorandum to the Emperor which had great influence on Russian policy for many years. There were, he said, two possible systems between which Russia could choose; the first was partition of the Ottoman Empire in agreement with France and Austria; the second was opposition to any such policy of partition as dangerous to Russian interests. He strongly advocated the latter course. Russia had no need of further territories, and she could not hope to have a neighbour more inoffensive than Turkey. The preservation of the Ottoman Empire must, in the future, be the keystone of Russian policy. By working with Turkey Russia had gained greater advantages than in all her wars against Turkey; the treaty of 1799 gave free passage to Russian ships of war, and the creation of the Republic of the Ionian Islands was a pretext for demanding the continuation of this right. This conception was in fact adopted by the Russian Government, and, with few exceptions, they ceased from that time to appeal to the vague mystical conception of Russia's mission

for driving the Mussulman out of Constantinople, which had played so large a part in the reign of Catherine. Their aim was not to destroy the Ottoman Empire but to maintain it, and at the same time, to keep it in a state of subjection :

> 'It is,' wrote the Emperor Alexander, 'one of the fundamental principles of my political system, to contribute in every way to preserve the Empire of Turkey, the weakness and bad internal administration of which constitute valuable guarantees of security.'

It was, as a French writer notes, the practical application of the celebrated theory of Montesquieu, according to which nothing could be more advantageous to a State than to have very weak neighbours. The device of maintaining a weak State on the frontier instead of annexing it is one common to all great conquering countries ; it was the attitude of Rome towards Armenia, of England towards Afghanistan, of Germany to the Baltic Provinces in 1918. The adoption of this principle did not of course mean that the Russian Government had once and for all dismissed from their minds the larger ambition ; it was only postponed, postponed because they saw that any attempt to seize Constantinople itself would inevitably raise a European coalition against them. But difficulties were soon experienced in carrying out this policy. It was necessary that no other State should gain predominant influence over the Porte ; it was necessary also that the Government of Turkey should not be transferred to younger and more vigorous hands. If either of these contingencies occurred, or threatened to occur, Russia at once was ready to intervene in arms, as in 1833, in 1912 and in 1914. Moreover, it was soon found that the attempt to exercise exclusive influence over the Porte brought about a coalition as surely as an attempt at actual conquest would have done.

To trace in detail the working of opposing policies at the Court of St. Petersburg during the next century would be a task of extraordinary interest ; in this way alone is it possible to explain the rapid and often almost incomprehensible changes of Russian policy, which were especially marked during the Napoleonic era and since. Outside observers, particularly the British Government, saw clearly the steady purpose which, under different forms, was always present, of establishing exclusive Russian influence, and with this object, of bringing about an arrangement by which Russian warships alone should have the right of navigating the Bosphorus. In this country, whatever Government might be in power, there was always

present the gravest suspicion of Russian actions and Russian motives, and a complete distrust of any offers of friendship. This attitude continued with very few and temporary exceptions (Fox and Gladstone) down to the year 1907. It would be impossible to maintain that it was unjustified, for however genuine the professions of friendship of a particular Tsar or Minister might be at the moment, no one could doubt that any concession made to Russia would, on some future occasion, be used as a step towards objects which could never be conceded.

To return to the narrative. The death of Paul and the accession of Alexander stopped the sudden friendship with France, and long negotiations took place between 1802 and 1805 concerning the formation of the new coalition against Napoleon. In these negotiations we find that, even after the death of Paul, the question of Malta takes a prominent position ; the Russians were always demanding the island, or, at any rate, the right to have a garrison there; they had succeeded in getting, together with Turkey, the protectorate over the Ionian Islands. In constant pursuance of their object to extend their maritime power in the Levant by alliance with Turkey, in 1805 they negotiated a new treaty with Turkey which is of great importance, for in it we find the two essential points of Russian policy, the closing of the Black Sea to the warships of all other nations, and the opening of the Straits to the Russian fleet :

> The high contracting parties are agreed in regarding the Black Sea as closed, and in not permitting the appearance of any flag of war or armed vessel of any Power whatsoever, and in case anyone should attempt to appear there in arms, the two high contracting parties engage to regard such an attempt as *casus fœderis*, and to oppose it with all their naval forces, this being the only method of assuring their reciprocal tranquillity ; it being understood that a free passage by the Canal of Constantinople will continue for the ships of war and military transports of His Imperial Majesty, the Emperor of all the Russias, to which, on each occasion, the Sublime Porte will give, so far as it depends on it, all assistance, and will grant all facility.

Eventually Alexander joined the coalition ; Napoleon therefore now aimed at using Turkey as a weapon against his enemies ; the Turks, notwithstanding their treaty, closed the Straits to the Russians. War between Russia and Turkey followed. We get then the situation of Russia and England working together to win over Turkey from French influence, and with this object, Admiral Duckworth (February, 1807), with the English fleet, sailed up the Dardanelles and appeared

before Constantinople with the apparent intention of dictating a course of action to the Turks, and if Turkey refused the conditions offered, of bombarding Constantinople and destroying the fleet. This is the first time that a fleet sailed through the Dardanelles, and it demonstrated the incapacity of the Turks properly to protect the position. But there was no Nelson at Constantinople ; the English had come to threaten, but when their demands were refused, they feared to strike. The Turks delayed and procrastinated, and the English fleet sailed away under the fire of the batteries of the Dardanelles, leaving untouched the main Turkish fleet, which they ought to have treated as the Danish fleet had been treated.

Another quick change took place. After Tilsit, 1808, Alexander became the ally of Napoleon. Napoleon's object was to secure Russian help against England in the Mediterranean, and for this purpose to force the Turks to open the Straits to the Russian fleet. He attempted to bring about an agreement between Russia and Turkey, but at the same time he started negotiations with Alexander about the partition of Turkey. These negotiations are, even at the present day, of great interest, for one feels how little the world has changed. They broke down on the question of the Straits. Two alternatives were put forward : (1) that Constantinople should be established as a free city ; (2) that it should be held by Russia. Alexander chose the latter, but he required not only Constantinople and the surrounding territory, but the Dardanelles as well. This Napoleon refused. If Russia was to have Constantinople, the French must hold the Dardanelles ; otherwise, as the French envoy said, the Russian fleet would soon be at Malta, Naples and Toulon.

As a guarantee against these proposals the English, who were now friendly to Turkey, made a treaty, which is of great importance as the first step towards what was to prove for fifty years the definite solution. The important clause[1] runs as follows :

> As ships of war have at all times been prohibited from entering the Canal of Constantinople, namely, in the Straits of the Dardanelles and of the Black Sea ; and as this ancient regulation of the Ottoman Empire is in future to be observed towards every Power in time of peace, the Court of Great Britain promises on its part to conform to this principle.

For the first time in a treaty with a foreign State, we find the formal recognition of what is here called the ancient

[1] Treaty of 1809, Clause XI.

rule of the Ottoman Empire. But, as has been pointed out, by the very fact that the recognition of this rule by Great Britain was made contingent upon the enforcement of the rule against all other States, the Porte to a certain extent gave up its full freedom of action. Hitherto it had enjoyed and had exercised the right of permitting the passage of ships of war as it desired, in accordance purely with its own wish and interest ; henceforth this full sovereignty was to this extent limited, that while the right to close the Straits remained unimpeached, it gave up the free right to open them. At this time the freedom was limited by agreement only with Great Britain.

This treaty was the only permanent result of the Napoleonic struggle as regards Turkey. After all their efforts the Russians had failed in their endeavours ; the treaties of 1799 and 1805 were not prolonged by the Treaty of Bucharest (1812). Turkey remained intact and Great Britain had secured the closing of the Straits against the Russians. None the less during the next years Russian intrigues in the Mediterranean continued, and the British Government were more than once seriously concerned by the suggestion of the Tsar, now in connection with the Spanish troubles, now with the Barbary pirates, to send a Russian fleet into the Mediterranean. The outbreak of the war of Greek independence naturally led to a great increase of activity, but the Russian fleet, which took part in the Battle of Navarino, still had to make the long voyage from the Baltic. War between Russia and Turkey followed. When the time came to make peace, an interesting discussion on this matter again took place in the Russian Council of State. The main point discussed was whether it was better for Russia to press on to the dissolution of the Turkish Empire or to be content with maintaining Turkey as a weak Power under Russian influence. The decision was for the latter course; if Turkey were destroyed, Russia must then herself occupy Constantinople and the Straits, but she could not do this without a European war ; other Powers would certainly use the opportunity to annex other portions of the Turkish Empire, and the relative strength of Russia might be weakened rather than strengthened. They determined, therefore, to aim at maintaining political control over Turkey, and in this way to keep control over the Straits. In the Treaty of Adrianople (1829) nothing is said about the Straits except the article on the passage of Russian commercial vessels, to which reference has already been made.

The opportunity for extending control over Turkey was given by the revolt of Mehmet Ali. When it appeared probable that the forces of Ibrahim Pasha might appear on the shores of the Bosphorus and seize Constantinople itself, the Russians, acting alone, sent a fleet to Constantinople and disembarked an army on the Asiatic shores of the Bosphorus. Fortunately we need not follow the very complicated negotiations which ensued ; it is sufficient to say that this step was regarded with the gravest suspicion by France and England, who, although opposed to the ambitions of Mehmet Ali, did not wish that Turkey should fall entirely into the hands of Russia. Eventually peace was arranged between the Porte and the rebellious Pasha ; the Russian fleet and army then withdrew, but the day before they did so there had been signed the celebrated Treaty of Hunkiar Iskelesi (the 8th July, 1833), which gave to the Russians that which they had always aimed at securing—the sole and exclusive right of sending their ships of war through the Straits. The treaty takes the form of a defensive alliance between the two Empires, and the Tsar undertakes, if called upon, to furnish by land and sea as many troops and forces as may be deemed necessary. This, though it is not expressly stated, clearly implies that a Russian fleet might be summoned to pass through the Straits in order to defend the Mediterranean coasts of the Turkish Empire. The public articles are followed by a secret and separate article, by which the Turks bind themselves permanently to close the Dardanelles to the fleets of every other State :

> In virtue of one of the clauses of the first article of the Patent Treaty of Defensive Alliance, concluded between the Imperial Court of Russia and the Sublime Porte, the two high contracting parties are bound to afford to each other mutually substantial aid and the most efficacious assistance for the safety of their respective dominions. Nevertheless, as His Majesty the Emperor of all the Russias, wishing to spare the Sublime Ottoman Porte the expense and inconvenience which might be occasioned to it by affording substantial aid, will not ask for that aid if circumstances should place the Sublime Porte under the obligation of furnishing it, the Sublime Ottoman Porte, in place of the aid which it is bound to furnish in case of need, according to the principle of reciprocity of the Patent Treaty, shall confine its action in favour of the Imperial Court of Russia to closing the Strait of the Dardanelles, that is to say, to not allowing any foreign vessel of war to enter therein under any pretext whatsoever.
>
> The present separate and secret article shall have the same force and value as if it was inserted word for word in the Treaty of Alliance of this day.

The two parts of the treaty taken together establish a complete protectorate over Turkey by Russia.

France and England at once entered a formal and identical protest, both at Constantinople and St. Petersburg:

> The undersigned has been instructed to express to the Sublime Porte the deep concern with which the British Government has learnt the conclusion of the treaty of the 8th July between the Emperor of Russia and the Sultan. That treaty appears to His Majesty's Government to produce a change in the relations between Turkey and Russia, to which other European States are entitled to object; and the undersigned is instructed to declare that if the stipulations of that treaty should hereafter lead to the armed interference of Russia in the internal affairs of Turkey the British Government will hold itself at liberty to act upon such an occasion, in any manner which the circumstances of the moment may appear to require, equally as if the treaty above mentioned were not in existence.[1]

The Russians soon found that they had gone too far; if they were to insist on their rights under this treaty they would be isolated. The Emperor Nicholas is said to have been much influenced by the opinion of the Duke of Wellington. The Duke, who continued the policy of Pitt, and was a confirmed advocate of the closure of the Straits, had been much disturbed even by the commercial clauses in the Treaty of Adrianople, and, as soon as he heard of them, had written:

> The navigation of the Dardanelles and of the Bosphorus and, of course, of the intervening sea has been considered as belonging to the Porte as the Thames is ours and as the Rhine belongs to the King of the Netherlands, excepting in as far as the possession of the latter river is limited by the Treaty of Congress (Vienna). These Straits and the intervening sea are, in fact, a *mare clausum* in the possession of the Porte over which that Power has always exercised, and must always exercise, dominion.

To the Russian Ambassador he said in 1834:

> With all frankness I declare that, so long as this treaty remains in force, it will be impossible for us not to observe a reticence towards your Government, with which we should so much wish to have a good understanding on all points.

The Duke was Foreign Secretary during the short Tory Government, November, 1834–April, 1835, and we have from a French source an interesting account of advice which he gave to Lord Palmerston, who succeeded him, and who is reported to have said to the French Ambassador:

[1] This protest was avowedly directed only against the public treaty; it is not clear how soon the secret clause became known.

Lorsqu'en 1835, nous revînmes au pouvoir, je me rendis chez le Duc de Wellington ; mes rapports avec lui me permettaient une démarche de confiance, et je dis au duc que l'Orient étant appelé à jouer un grand rôle dans les affaires de l'Europe je tenais essentiellement à connaître son opinion sur les deux systèmes qui se présentaient à notre politique : travailler à ouvrir la mer de Marmara à nos flottes et conséquemment à celles des autres Puissances, ou à la fermer à toutes, y compris les nôtres. Le duc me répondit sans hésitation : ' à la fermer ; nous somnes, dans ces parages, très loin de nos ressources, et la Russie touche aux siens.' Ce mot, continue Lord Palmerston, m'a frappé comme plein de sens et de raison.[1]

The treaty remained nominally in force for seven years, but never became effective. In 1834 the Russians came to an agreement at Munchengrätz with Austria, by which the two Emperors agreed to maintain the Ottoman Empire, and in case of its dissolution, to act together. The whole situation was reviewed in 1839 in connexion with the further troubles about Mehmet Ali. The Tsar was now willing to retreat from the position he had secured and to accept the principle that the maintenance of the Ottoman Empire and the closing of the Straits should be made a common European matter. The Russian Ambassador himself suggested to Lord Palmerston that a general agreement should be made by which the Straits were closed to the warships of all Powers ; in consequence, in the Quadruple Agreement of 1840 by which the Egyptian problem was settled, it was agreed that if Mehmet Ali refused to submit to the conditions imposed on him and were to attack Constantinople:

The high contracting parties, upon the express demand of the Sultan, addressed to their representatives at Constantinople, agree, in such case, to comply with the request of that Sovereign, and to provide for the defence of his throne by means of a co-operation agreed upon by mutual consent, for the purpose of placing the two Straits of the Bosphorus and Dardanelles, as well as the capital of the Ottoman Empire, in security against all aggression.

By this it will be seen that the Tsar gave up his position as sole protector of Turkey ; if the occasion arose and the Russian fleet should pass the Bosphorus, the French and English fleets would sail up the Dardanelles in order to protect Constantinople.

A further article states that these stipulations:

[1] Dépeche du Baron de Bourquenay au Maréchal Soult du 12 juillet 1839. Guizot, *Mémoires*, Vol. VI. (There seems to be no English record of this conversation.)

shall be considered only as a measure of exception adopted at the express demand of the Sultan, and solely for his defence in the single case above mentioned ; but it is agreed that such measure shall not derogate in any degree from the ancient rule of the Ottoman Empire, in virtue of which it has at all times been prohibited for ships of war of foreign Powers to enter the Straits of the Dardanelles and of the Bosphorus.

This latter principle was re-enacted in 1841 as a separate agreement, to which France, who had been excluded from the Quadruple Alliance, now became a party. The terms of this Convention of the Straits are as follows :

Article 1. His Highness the Sultan on the one part declares that he is firmly resolved to maintain for the future the principle invariably established as the ancient rule of his Empire, and in virtue of which it has at all times been prohibited for the ships of war of foreign Powers to enter the Straits of the Dardanelles and of the Bosphorus ; and that, so long as the Porte is at peace, his Highness will admit no foreign ship of war into the said Straits. And their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of the French, the King of Prussia and the Emperor of all the Russias, on the other part, engage to respect this determination of the Sultan, and to conform themselves to the principle above declared.

Article 2. It is understood that in recording the inviolability of the ancient rule of the Ottoman Empire mentioned in the preceding article, the Sultan reserves to himself, as in past times, to deliver firmans of passage for light vessels under flag of war, which shall be employed as is usual in the service of the missions of foreign Powers.

Article 3. His Highness the Sultan reserves to himself to communicate the present Convention to all the Powers with whom the Sublime Porte is in relations of friendship, inviting them to accede thereto.

This convention, with certain modifications introduced in 1856 and 1871, has remained in force ever since ; by it, with these modifications, if no fresh arrangement were made, the navigation of the Straits would presumably still be governed. It requires, therefore, careful examination. The form in which it was finally adopted was chiefly due to Lord Palmerston, and British diplomacy seems to have been very successful. The original Russian proposal had been that the closing of the Straits, both in peace and in war, should be declared a principle of the public law of Europe. Lord Palmerston, while accepting the policy of closing the Straits, insisted that this should be based on what is called ' the ancient rule of the Ottoman Empire ', which had already been recognized in the Anglo-Turkish Treaty of 1809. This was in accordance with the principle which the British Government had always main-

tained, that Turkey had complete sovereignty over the Straits. As he wrote in 1839 :

> Every State was considered as having territorial jurisdiction over the sea which washed its shores as far as 3 miles from low-water mark, and consequently that any Strait which was bounded on both sides by the territory of the same sovereign, and which was not more than 6 miles wide, was within the territorial jurisdiction of that sovereignty.

It will be noted, however, that by agreeing to this treaty, Turkey took a further step towards surrendering the full rights of sovereignty which she had possessed, for, by entering into an agreement with other Powers to close the Straits, she thereby gave up the full right of opening them at her own discretion.

Again, the Russians had desired that the Straits should be closed in time of war as well as in time of peace. There was much discussion on this point which the British, supported by the Austrians, refused to accept. The importance of this was to become apparent at the time of the Crimean war, and it was even then fundamental for British policy. So long as Turkey and England were friendly or allied, the situation was extremely advantageous to us ; during times of peace we were freed from the apprehension of a Russian fleet in the Mediterranean ; if there was war against Russia, then it could be assumed that we should have Turkey as an ally and thereby the Straits would be open to us to attack the Russians in the Black Sea. Finally, the treaty was one by which the signatory Powers bind themselves, not only as against Turkey, but also to one another ; any change would therefore require the consent of all the signatories.[1]

The next stage is the Crimean war. In September, 1854, even before war was declared, Lord Stratford de Redcliffe was instructed to send for the British fleet, which was already at Beşika Bay, to come to Constantinople ; this led to a protest from the Russians, who declared that we had been guilty of a violation of the treaty. There was a long correspondence on the matter ; the justification we put forward was a double one, first that the Russian invasion of the Danubian provinces,

[1] The negotiations between 1839 and 1841, and again in 1855–56, were very prolonged and very complicated, and for reasons of space alone, it would be impossible to give any full account of them here. Moreover, especially for the first period, we have to depend almost entirely on French and Russian works ; the British archives seem never to have been studied, and there has been no satisfactory account of the discussions written in English.

though not accompanied by a declaration of war, was, in fact, an act of a warlike nature ; secondly, and it was on this that the greatest stress was laid, that there was grave danger to the Christian inhabitants of Constantinople ; as Lord Clarendon wrote :

When it appears that the lives and properties of British subjects are exposed to serious danger and that the Turkish Government declares itself unable to avert that danger, it is clear that the treaty has no longer a binding force upon us, and that urgent necessity supersedes its provisions.

The terms of peace imposed upon Russia at the conclusion of the war were in this matter very severe ; the Allies, at the instance of France, demanded that the Black Sea should be neutralized and the naval forces both of Turkey and Russia strictly limited. The relevant clauses of the treaties are as follows :

(*a*) In the main Treaty of Paris :

Article 11.—The Black Sea is neutralized ; its waters and its ports, thrown open to the mercantile marine of every nation, are formally and in perpetuity interdicted to the flag of war, either of the Powers possessing its coasts, or of any other Power, with the exceptions mentioned in articles 14 and 19 of the present treaty.

Article 13.—The Black Sea, being neutralized according to the terms of article 11, the maintenance or establishment upon its coast of military-maritime arsenals becomes alike unnecessary and purposeless ; in consequence, His Majesty, the Emperor of all the Russias, and His Imperial Majesty the Sultan, engage not to establish or to maintain upon that coast any military-maritime arsenal.

(*b*) A separate convention re-enacts the Straits Convention of 1841 ;

(*c*) A separate treaty between Russia and Turkey was signed :

Article 1.—The high contracting parties mutually engage not to have in the Black Sea any other vessels of war than those of which the number, the force and the dimensions are hereinafter stipulated.

Article 2.—The high contracting parties reserve to themselves each to maintain in that sea six steam-vessels of 50 metres in length at the line of flotation, of a tonnage of 800 tons at the maximum, and four light steam or sailing vessels of a tonnage which shall not exceed 200 tons each.

This treaty was to have the same force and validity as if it formed an integral part of the general treaty of peace. 'It cannot be either annulled or modified without the assent of the Powers signing the general treaty.'

The exceptions referred to in article 11 are:

(i.) Those specified in article 2 of the treaty between Russia and Turkey.

(ii.) The light vessels which the Sultan permits into the Straits for the service of the missions at Constantinople, and also two light vessels which each of the contracting Powers is authorized to station at the mouths of the Danube in order to secure the execution of the regulations relative to the liberty of that river.

To these treaties Sardinia was a party, and in consequence the Kingdom of Italy was from the time of its establishment associated with the four Great Powers in all negotiations concerning the Straits.

It has been contended with much force that in insisting on the neutralization of the Black Sea and the limitation of the Russian fleet, the Allies had used their advantage more fully than was wise or generous. The British Government were undoubtedly influenced by the strong pressure of popular feeling which at the conclusion of war was still very bitter towards Russia. Everyone could foresee that the Russian Government would take the first opportunity to free themselves from this invidious restriction. On the other hand, it must be recognized that the situation between 1841 and 1855 had been most unsatisfactory. A large Russian fleet was maintained in the Black Sea from which it was not allowed to emerge. It could not be used to support Russian policy elsewhere; the building of this fleet could therefore only be interpreted as a weapon for the intimidation and control of Turkey. Its very existence, shut up in the Black Sea, with no other activity open to it, was by itself a menace and incentive to war.

During the following years there is much official correspondence with regard to the Straits, but this deals almost exclusively with difficult cases as to whether individual ships which applied for permission to go through the Straits came within the terms of the treaties of 1856. The exercise by the Porte of its power to admit guardships for the Embassies of Constantinople was carefully watched, and the British Government, to which every case seems to have been reported, always protested against the admission of any ship of war belonging to any nation which did not seem to be justified by the terms of the treaty. The general question of principle did not arise. The Russian Government were indeed determined to free themselves from what they not unnaturally held to be degrading restrictions on their own sovereign rights;

suggestions came to them both from Austria and from France that they should do so, but they preferred to wait until the outbreak of the Franco-Prussian war, by which a very favourable opportunity was provided. They were secure in the support of Prussia ; France was helpless ; the defeat of France made it impossible for Austria to offer opposition to any proposal on which Prussia and Russia were agreed ; England alone remained.

The procedure adopted by Prince Gortchakof was by a despatch of the 31st October, 1870, to inform the Powers who had signed the Treaty of the Straits: (1) that the Tsar no longer considered himself bound by the obligations of the treaty of 1856 so far as they limited his rights of sovereignty in the Black Sea ; (2) that he believed he was justified in denouncing to the Sultan the special additional convention fixing the number and size of the ships of war which the two riverain States should maintain in the Black Sea. The declaration applied only to the Black Sea and did not directly affect the passage of ships through the Straits themselves. As is well known, the British Government, insisting on the principle that a single Power could not free itself from its treaty obligations in this way, had the matter brought before a conference which met in London in February, 1871. The result of the conference was a convention abrogating the previous treaties so far as they applied to the neutralization of the Black Sea and the limitation of the ships of war in it. The principle of the closing of the Straits as it had been established by the separate convention of 1856 was maintained, but with the important exception that the Sultan should have the power 'to open the Straits in time of peace to the vessels of war of friendly and allied Powers in case the Sublime Porte should judge it necessary in order to secure the execution of the stipulations of the Treaty of Paris of 1856'.

At this stage we may note that from time to time difficulties arose about the recognition by the United States of the Sultan's right to close the Straits. The Government at Washington have never been a party to any of the treaties with Turkey about the passage of ships of war, and they seem deliberately to have refrained from anything which might be interpreted as giving their assent to the principle that Turkey had the right to close the Straits. The nearest approach to this was in 1868 ; in that year the American Legation at Constantinople applied for permission for Admiral Faragut to pass in his flagship through the Dardanelles to Constantinople, and in making

the request observed that America had no princes of the royal blood, but that Admiral Faragut, on account of his high standing and rank in his country, might be considered as such. The request was supported by the Russian Ambassador, who 'did all in his power to make it appear that the British Ambassador was the principal obstacle which prevented the Porte from granting an act of courtesy which would be highly appreciated by the American people'. The request was refused by the Porte. In the course of conversation:

> The American Minister at first argued that as the United States Government was no party to the treaty of 1856 it was not bound by it, but, on the Turkish Minister maintaining that inasmuch as the treaty was officially communicated to the American Government and that it did not protest against it at the time it was equivalent to an acceptance of it, the American Minister recognized the principle of closing the Straits as established by treaty, and stated that his application in favour of Admiral Faragut was an entirely exceptional one.

It seems, however, doubtful whether the American Minister would have been supported by his Government in using this language. The position of the United States [1] was carefully to refrain from recognizing the right, while acquiescing in it in fact. In 1868 a resolution of Congress urged the Government to procure 'the perfect freedom of navigation through the Straits to all classes of vessels'. No action was taken on this, but in 1871 the President explained that, while he was 'not disposed prematurely to raise any question to disturb the existing control which Turkey claims over the Straits leading into the Euxine', he deemed it 'important to avoid recognizing it as a right under the Law of Nations'.

> The Black Sea, like the Baltic, is a vast expanse of waters which wash the shores not only of Turkish territory but those of another Great Power, who may in times of peace at least expect visits from men-of-war of friendly States. It seems unfair that any such claim as that of Turkey should be set up as a bar to such an intercourse, or that the privilege should in any way be subject to her suffrance. There is no practical question making it necessary at present to discuss the subject, but should occasion arise when you are called upon to refer to it, you will bear in mind the distinction taken above, and be cautious to go no further than to recognize the exclusion of the vessels as a usage.

And again:

> The proper occasion may arise for us to dispute the applicability of the claim to United States men-of-war. Meanwhile, it is deemed expedient to acquiesce in the exclusion.

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[1] J. B. Moore, *Digest of International Law*, Vol. I, pp. 664–668.

During the following years interest was directed rather to the land possessions of the Sultan, to the endeavours of the Bulgarians and Serbians to attain freedom and independence, and even at the time of the Russo-Turkish war of 1878, comparatively little discussion took place on the more limited question of the Straits. While the Russian army advanced on Constantinople, no attempt seems to have been made by the navy to force the Bosphorus. During the period of profound tension at the end of the war, the British fleet was sent to Besika Bay, and notwithstanding the protest of the Porte, sailed through the Dardanelles, and for six months was stationed in the Sea of Marmora. The Treaty of San Stefano did not contain any clauses dealing with the passage of warships through the Straits, and the final Treaty of Berlin merely re-enacts the Treaty of Paris and the Treaty of London.

It appears, however, that Lord Salisbury, who succeeded Lord Derby as Foreign Secretary in April, 1878, was even at that time disposed to give up the traditional policy of closing the Straits. In a letter to Lord Beaconsfield of March, 1878, he enumerates as one of the objects to be obtained, 'effective securities for the free passage of the Straits at all times as if they were open sea'. He would be glad 'if the Straits could be declared as open as the Sound', and suggested that they should either be neutralized and their fortification forbidden, or that the right to blockade them in time of war should be recognized and freed from international impediments. And again, in June, after referring to the objections which used to be urged against throwing open the Straits altogether, he says: 'The exclusion of Russia from the Mediterranean is not so great a gain to us as the loss resulting from our exclusion from the Black Sea, because we are much the strongest as a naval Power.' [1] We could not have a more complete repudiation of the view taken by the Duke of Wellington. The change of attitude is easily explicable by the altered circumstances. There was no longer cause to fear the effect of a Russian fleet appearing in the Mediterranean, and the experience gained during the Crimean war had shown how important it might be at any time to have free access to the Black Sea.

The fact that he held this view is the explanation of a well-known episode at the Congress of Berlin. Before signing the

[1] *Life of Lord Salisbury*, Vol. II, pp. 214, 291.

treaty, Lord Salisbury, on behalf of the British Government, handed in a protocol:

> Considering that the Treaty of Berlin will modify an important part of the arrangements sanctioned by the Treaty of Paris of 1856, and that the interpretation of article 2 of the Treaty of London, which is dependent on the Treaty of Paris, may thus become a matter of dispute, I declare on behalf of England that the obligations of Her Britannic Majesty relating to the closing of the Straits do not go further than an engagement with the Sultan to respect in this matter His Majesty's independent determinations in conformity with the spirit of existing treaties.

At the next meeting Count Shouvalov presented a counter protocol:

> The plenipotentiaries of Russia, without being able exactly to appreciate the meaning of the proposition of the second plenipotentiary of Great Britain respecting the closing of the Straits, restrict themselves to demanding, on their part, the insertion in the protocol of the observation: that in their opinion the principle of the closing of the Straits is a European principle, and that the stipulations concluded in this respect in 1841, 1856 and 1871, confirmed at present by the Treaty of Berlin, are binding on the part of all the Powers, in accordance with the spirit and letter of the existing treaties, not only as regards the Sultan but also as regards all the Powers signatory to these transactions.

An explanation of the action which he then took was given by Lord Salisbury in the House of Lords, when in 1885 war seemed imminent between Great Britain and Russia:

> The object of the declaration which I had to make on behalf of Her Majesty's Government, I understood to be to establish the principle that our engagements in respect of the Dardanelles were not engagements of a general European or international character but were engagements towards the Sultan only; the practical bearing of that reservation being that if, in any circumstances, the Sultan should not be acting independently, but under pressure from some other Power, there would be no international obligation on our part to abstain from passing through the Dardanelles.

Whatever importance may be given to these practical reasons, it seems difficult to justify the legal interpretation given to our engagements. It is perhaps the less necessary to do so because, at a later date, the British and Russian Governments each took up a position precisely opposed to that which they had taken on this occasion.

During the thirty years from 1878 to 1908 the position as defined by treaty remained unchanged, but the real situation was in many ways greatly altered. In the first place, the

establishment of Roumania, and later of Bulgaria, as fully sovereign States, on the shores of the Black Sea, had the effect that navigation there could no longer be regarded, as it had been in the past, as a matter affecting only Russia and Turkey. Secondly, the opening of the Suez Canal, followed as it was by the occupation first of Cyprus and then of Egypt by British forces, changed the naval situation in the Levant. As we have seen, Egypt and the Straits must always be considered together, and from the Russian point of view these events constituted a serious change in the balance of power, for which they might well claim some compensation. Thirdly, the relations of Great Britain and Turkey were becoming less friendly, and this necessarily made the system established in 1841 much less favourable. Fourthly, so long as Bismarck remained in office it was the established principle of German policy that they would not oppose Russian ambitions in regard to the Straits, not even as to the possession of Constantinople.

The third point is illustrated by the events of 1885. When the Russian advance in Central Asia made war imminent between Russia and Great Britain, it was obvious that it would be to the British interest to use her maritime power in order to attack Russia in the Black Sea ; it was here that India must be defended, but if Turkey maintained neutrality, the Straits would be closed to the British fleet. It seems to have been anticipated in the Chancelleries of Europe, therefore, that in case of war, the British Government would disregard the treaties and violate Turkish neutrality ; Bismarck at once set to work with great energy to arrange a European coalition for the protection of the neutrality of Turkey against England. In this he had the support, not only of Russia and Austria, but also of France. The Sultan went so far as to make the inquiry whether :

> If English ships were to appear before the Dardanelles the neutral Powers would not also send ships there in order to support Turkey in the maintenance of its treaty right to close the Straits, and by their appearance, to stop the English attack.[1]

It is not apparent how far this action of his was known here ; the important thing is that had war in fact broken out, we should have been placed in a most dangerous situation, and

[1] The correspondence which has been published in Germany, *Die Grosse Politik der Europäischen Kabinette*, 1871–1914, Vol. IV, pp. 111, &c., is of great interest. [See English translation *German Diplomatic Documents*, by T. S. Dugdale, Vol. I, pp. 195 *et seq.*]

confronted by something like a European coalition. It is from about this time that Turkey began to give more attention to the defences both of the Dardanelles and the Bosphorus, which hitherto had been neglected.

Meanwhile new and serious difficulties arose as to the enforcement of the existing treaties. These were ultimately caused by the opening of the Suez Canal. As soon as this took place it obviously became most desirable for the Russian Government that it should be able to send out both ships of war, military and naval stores and reinforcements of troops to the Far East by this route. It appeared an intolerable situation that they should still have to depend entirely on the naval ports in the Baltic for this purpose. As the Russian Ambassador at Constantinople said in 1882 to Lord Dufferin :

> It was impossible that Russia should consent to be shut up in the Black Sea inasmuch as the opening of the Suez Canal had completely altered the aspect of the case and rendered it absolutely necessary for Russia to insist upon an immediate transit from the Black Sea to her Pacific possessions.

The Russian fleet in the Black Sea, which a few years before had been inferior to that of Turkey, was in consequence strengthened. The Russians were immediately concerned not so much about the passage of ships of war, as of vessels belonging to the so-called volunteer fleet,[1] which they wished to use for conveying troops and stores from Odessa ; they also claimed that transports carrying soldiers should not be prohibited. Out of this two points arose : first, how were the treaties to be interpreted, and did the exclusion of warships exclude ships which, while flying the merchant flag, were in fact being used as transports ? Arising out of this was the further question how far Turkey should exercise the right of search in order to assure herself that the firman given to an avowedly

[1] ' The Russian Volunteer Navy was established during the Russo-Turkish war, 1877–1878, at the instance of a patriotic association, when hostilities with Great Britain seemed imminent. The ships of this fleet carry the mercantile flag in time of peace and may engage in commerce, though they are usually employed in the public service as transports between the Black Sea and the Russian possessions in the Far East. Their crews are subject to naval discipline and training, and the two principal officers of each vessel are commissioned by the Government. In 1900 they took part in the Chinese expedition despatched by the Powers as a result of the revolt of the Boxers.' (Phillipson and Buxton, *The Question of the Bosphorus and the Dardanelles*, p. 170.)

merchant ship was not being misused.[1] Secondly, did the right of interpreting the treaties rest with Turkey alone? These points were the subject of correspondence extending over many years, but it does not appear that a final settlement was arrived at on any of the matters at issue. The British Government seem on the whole to have adopted a waiting attitude; cases where the passage of either a warship or a transport was admitted were constantly reported to them, but on the whole they apparently confined their action to warning the Porte that equality of treatment must be granted to all Powers alike.

From time to time there were rather desultory conversations with other Powers about the general question, but no clear determination was reached. In 1896, Lord Salisbury wrote to Sir F. Lascelles:

> Our view is and has been for some time past in favour of opening the Straits to all nations. The opening of the Dardanelles alone would be a less complete and satisfactory arrangement, but it would be acceptable to Her Majesty's Government.

But the next year, when he was consulted by the Austrian Ambassador as to the policy to be pursued for the protection of the Straits against any enterprise on the part of Russia, he answered:

> Owing to the change which had taken place in British public opinion towards Turkey, the altered attitude of the Porte and the increased fortification of the Dardanelles, Her Majesty's Government were unable to pledge themselves to any specific course of action, and their policy must depend upon the course which events might take and the circumstances in which the question might present itself.

In 1897 when difficulties arose about Armenia, the closing of the Straits became very inconvenient, for it prevented the British Government using the fleet to support its policy in the Black Sea. On this occasion, however, the Porte permitted the strengthening of the guardships at Constantinople to all the signatory Powers, in order that they might protect the

[1] It may be convenient to note a difference as to the procedure observed with regard to the passage of merchant ships on the one hand, and ships of war and vessels belonging to the Volunteer Fleet on the other. The latter had in each case to receive an *iradé*, which is in the nature of a personal expression of the sovereign will of the Sultan; merchant vessels required only a firman which could be issued by subordinate officials who were merely carrying out general regulations contained in an *iradé* which had already been issued.

Christians of that city against the disturbances which were anticipated.

With the outbreak of war between Russia and Japan in 1904, these problems suddenly assumed the most urgent importance and in consequence of her alliance with Japan, Great Britain was especially interested. It was necessary to face the question of what should be done if, contrary to expectation, the Black Sea fleet actually sailed through the Straits in order to join the Baltic fleet on its adventurous journey to the Yellow Sea. Mr. Balfour and Lord Lansdowne agreed that if this happened we were under a moral obligation not to allow the fleet to sail through the Suez Canal, and that for this purpose it would be necessary to station a superior British naval force in the Levant. The question as to the best way in which the necessary warning could be sent to the Russians was even discussed, but in fact the Russian Government well understood the situation, and there is no evidence that they ever proposed to send out the Black Sea fleet. A difficult case arose when two vessels belonging to the Russian volunteer fleet sailed through the Straits and the Suez Canal disguised as merchantmen. After entering the Red Sea they assumed the character of ships of war and seized several vessels, including a British steamer, on the charge that they were carrying contraband:

> The British Government protested against the act and declared that if the capturing vessels were commissioned warships, Russia had violated the treaties relative to the Straits in failing to obtain the necessary authorization for the passage, but if they were merchantmen, she had infringed a fundamental principle of international law which restricts belligerent operations to lawfully-commissioned warships. Thereupon the commissions of the two vessels were revoked and reparation was eventually made.

The conditions attached by the Porte to the transit of transports were of such a nature that the Russian Government were not able to comply with them.

It is not proposed here to discuss the legal problem of what, for the purposes of the Straits Convention, constituted a 'ship of war', but no one can read the correspondence which took place without realizing how intolerable the situation must have been to the Russians. They were engaged in a great war, on the result of which their whole position in the Far East depended; they had a considerable fleet in the Black Sea, and in addition, the Port of Odessa was their largest and most convenient depot from which stores and reinforcements

could be despatched. They found themselves, however, in the position that they could not freely use these resources and had to depend chiefly on their Baltic establishments, the use of which involved not only a long additional sea voyage, but also the transport of goods and men from the south to the north of Russia. We cannot, therefore, be surprised if, after peace had been made, the efforts of Russian diplomacy were once more concentrated on solving the question of the Straits in a sense favourable to themselves.

The signing of the Anglo-Russian Agreement in 1907 naturally had a great effect on Russian policy in the Near East, all the more as it was immediately followed by the outbreak of the Turkish revolution, which, among its consequences, involved a reopening of the Eastern question, the annexation of Bosnia and Herzegovina by Austria-Hungary, the war between Turkey and Italy, and the Balkan war of 1912. The fact that Russia was in alliance with France, and now for the first time in close friendship with Great Britain, inevitably raised hopes that the maritime Powers would withdraw the opposition which had for so long impeded the attainment of Russian ambitions. These ambitions were, in the first place, the opening of the Straits to Russian ships of war (and they hoped to secure this without at the same time giving access to the Black Sea to the ships of other nations) ; secondly, supposing, as became year by year more probable, the Turks were to be expelled from Europe, the acquisition in some form or another of Constantinople, the zone of the Bosphorus, and of the Dardanelles.

In the Anglo-Russian Agreement of 1907 no reference was made to the question of the Straits, and it does not appear to have been discussed at the Reval interview of 1908. The British Government had, however, been warned that Russia would use the favourable opportunity to ask for some modification of restrictions which recent events had shown were extremely inconvenient to them. The question, therefore, arose and was considered, as to what attitude His Majesty's Government should take if any such request were made. There were two points for consideration : (1) a naval question and (2) the interpretation of the existing treaties.

(1) The naval question was referred to the Committee of Imperial Defence, and the question was asked ' what difference would it make to the balance of power in the Mediterranean if Russia were to obtain, through possession of Constantinople,

free egress from the Black Sea through the Dardanelles, this remaining closed, as at present, against other Powers'? The answer unanimously accepted was that 'while Russia would no doubt obtain certain naval advantages from the change, it would not fundamentally alter the present strategic position in the Mediterranean'. It will be observed that the answer is very carefully restricted and only deals with the naval position as it was in the unusual collocation of the time, and naturally does not imply that the opening of the Straits would not have serious strategical importance in the future. So far as it goes, however, this clearly gave freedom to the political handling of the question.

(2) A second point necessarily arose as to the diplomatic procedure which should be adopted if His Majesty's Government were disposed to withdraw their opposition to the egress of the Russian fleet. In this connexion, the statement made by Lord Salisbury at the Congress of Berlin in 1878 became important. According to the doctrine which he there laid down, 'the obligations of His Britannic Majesty relating to the closing of the Straits did not go further than an engagement with the Sultan to respect in this matter His Majesty's independent determinations in conformity with the spirit of existing treaties'. This appears to mean that on this matter there were no treaty engagements to the other European States and, therefore, it would be open to His Majesty's Government, if the Sultan of his own free will declared his intention to permit the Russian fleet to pass through, simply to express their approval of this course; no alteration in existing treaties would be required. If the other States of Europe took up the same view, all that would be necessary would be that the Russian Government should persuade the Sultan to take this course, agree with each State signatory to the Treaty of 1878 not to raise any objections, and the thing would be done.

Curiously enough, however, the statement made by Count Shouvalov might appear definitely to have debarred the Russian Government from accepting this view. They had declared that in their view 'the stipulations concluded in 1841, 1856, 1871, confirmed by the Treaty of Berlin, are binding on the part of all the Powers . . . not only as regards the Sultan, but also as regards all the Powers signatory to these restrictions'. This means that the signatory Powers were bound not only to the Sultan, but also to one another, and they could not free themselves from these mutual obligations except by

a joint protocol or treaty, the framing of which would require a special conference for the purpose.

From subsequent negotiations it appears that Sir Edward Grey and the Cabinet were not prepared to act in accordance with the opinion given above ; while the Russian Government, ignoring their previous declaration, contended that they could settle the matter by separate negotiations with Turkey, Sir Edward Grey was generally inclined to oppose this view, to maintain that it was a European question and that, though the British Government were prepared to alter their attitude with regard to the material question, it still must come before the Powers as a whole. The whole transaction is a curious illustration of the manner in which the views taken by States of their treaty obligations may change with circumstances.

Immediately after the outbreak of the revolution in Turkey in July, 1908, we find M. Isvolsky, who was then Foreign Minister, taking up the matter with great energy. This was the chief object of the journey which he took round Europe in the autumn. He seems to have prepared the way by an *aide-mémoire* of the 2nd July, which was laid before the Cabinet of Vienna, in which he intimated that while both the annexation of Bosnia and Herzegovina and also the question of Constantinople and the adjoining territory of the Straits, were European matters, he was prepared to enter into conversations on them with the Austrian Government. Count Aehrenthal, while expressing general agreement, put forward two conditions: first, that the other riverain States of the Black Sea—Roumania and Bulgaria—should have the same right for their vessels of war as Russia ; secondly, that guarantees be given for the security of Constantinople against an attack by a Russian fleet entering the Bosphorus. He suggested as the natural model for the new arrangement the international treaties on the Suez Canal, but wished to add a provision that only one ship of each nation might pass through the Straits each twenty-four hours.

During all the subsequent negotiations there is constant reference to the Suez Canal Convention ; it was suggested that the regulations contained in it for the passage of ships of war would be a convenient model for a new Straits Convention. But language is often used which seems to imply that there was some restriction on the number of warships belonging to any one Power that could pass through the Canal at the same time. This seems to be a misapprehension ; there is no such provision. In time of peace the Canal is open to

ships of all nations, whether of commerce or of war, without restriction. The only special regulations as to warships refer to ships of belligerents during the time of war; this article reads as follows:

Article 4.—The maritime canal remaining open in time of war as a free passage, even to the ships of war of belligerents, according to the terms of article 1 of the present treaty, the high contracting parties agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the canal, shall be committed in the canal and its ports of access, as well as within a radius of 3 marine miles from those ports, even though the Ottoman Empire should be one of the belligerent Powers.

Vessels of war of belligerents shall not revictual or take in stores in the canal and its ports of access, except in so far as may be strictly necessary. The transit of the aforesaid vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and without any other intermission than that resulting from the necessities of the service.

Their stay at Port Said and in the roadstead of Suez shall not exceed twenty-four hours, except in case of distress. In such case they shall be bound to leave as soon as possible. An interval of twenty-four hours shall always elapse between the sailing of a belligerent ship from one of the ports of access and the departure of a ship belonging to the hostile Power.

In truth there is little analogy between the Suez Canal and the Straits. The great difficulty about the Straits is that they give access to Constantinople, and in consequence it would be possible, if there were free and unrestricted use of them by ships of war, for any nation in time of peace to accumulate a fleet in the Sea of Marmora and then make a sudden attack on the city. The Canal is far removed from all the vital parts of Egypt, so that questions of this kind do not arise. We may also note that, so far as this country is concerned, circumstances are completely different for the obvious reason that the British navy controls access to both ends of the Suez Canal, while, in case of war with Russia, a British fleet passing through the Straits into the Black Sea would, on emerging, find itself in what we may call enemy country.[1]

On the 5th September, 1908, Isvolsky had a conversation with Tittoni, and immediately afterwards, with Herr von Schoen, the German Foreign Secretary, who in a general way

[1] [A further difference may be observed, viz.: that the Suez Canal can either be physically destroyed or blocked,. a danger to which the Straits are not in the same way open. The difficulty with regard to Constantinople has been avoided by removing the capital of Turkey from that city to Angora.]

was informed of what was going on and expressed his approval. On the 15th September he met Aehrenthal at Buchlau. No formal written note of the conversation was made, but there was a general agreement that Russia should support the Austrian annexation of Bosnia and Herzegovina while Austria would give Isvolsky a free hand in the Dardanelles. Austria-Hungary did not accept the offer of the Sanjak of Novi Bazar which Isvolsky made, but, on the other hand, Isvolsky undertook not to seize Constantinople or any territory in its neighbourhood. Russian ships of war were to have permission to pass the Dardanelles singly, but not in squadrons. The whole matter was eventually to be regulated by a European Conference.

It was Isvolsky's belief that matters would not be hurried, and that he would have an opportunity of discussing his projects with France and England, and with this object he pursued his journey to Paris. As is well known, Aehrenthal proceeded to immediate action, and the annexation of the two provinces was announced on the 6th October. This was extremely inconvenient to Isvolsky, who had hoped that, having come to an understanding with Austria (and through Austria with Germany), he would then assure himself of French support, and, finally, be able to put his request before the British Government under such conditions that it would be very difficult for them to refuse. The hasty action of Aehrenthal upset the whole plan ; his hopes were disappointed ; he was compelled to give an explanation of his activities, which caused Sir F. Bertie to say : ' I have the impression, I may say the conviction, that he did not quite tell me the truth, the whole truth, and nothing but the truth.'

At the beginning of October he came to London and raised the question in conversation with Sir Edward Grey. The procedure he put forward was now altered ; he did not propose to bring the Straits before the European Conference, which, at the time, was in contemplation. He wished it to be the subject of separate conversations between Russia and Turkey ; what he asked was that, if he came to an agreement with Turkey, the British Government should not raise any opposition. In doing so he used language which was clearly meant to indicate that the future of the *Entente* would depend upon the answer which he received. The following is Sir Edward Grey's account of a conversation of the 10th October :

M. Isvolsky urged very strongly that, if Russia could satisfy Turkey that an arrangement about the Straits was safe for Turkish interests, England should not oppose it. He told me that there had been great

opposition in Russia to the Anglo-Russian Convention. He had had to spend great energy in getting it accepted in Russia. All the Liberal and advanced elements in Russia were in favour of an understanding with England ; but the reactionary elements were against it and would like to upset the convention. The Emperor was by training and education not on the Liberal side. It was possible to keep him reconciled to reforms in Russia only by proving to him that things were going better ; for instance, whereas two years ago there was a state of active revolution, the state of affairs was now much improved. In the same way it would be fatal to a good understanding with England if, when the question of the Straits was raised, it was found that England blocked the way, and that no improvement followed from good relations with England.

His proposal to Turkey would be that ships of war belonging to the riverain Powers on the Black Sea should have a right of way through the Straits. They would not be allowed to remain in the Straits. There might be regulations that not more than three vessels should go through at a time, and that no other vessels should go through for twenty-four hours after the first. Such regulations would, of course, only apply in times when Turkey was at peace. In time of war, Turkey would be able to do as she pleased.

In other words, the closing of the Straits would be maintained, subject to a limited servitude of this kind in favour of Russia and the riverain States.

M. Isvolsky went on to say that the present was a most critical moment. It might either consolidate and strengthen the good relations between England and Russia or it might upset them altogether. His own position was at stake, for he was entirely bound up with the policy of a good understanding with England, which he had advocated against all opposition.

I asked him to give me a draft of what he proposed with regard to the conference, so that I might have something definite to put before the Cabinet ; this he promised to do.

I said I realized how critical the moment was. We were most anxious to work with Russia. We were in favour of the new régime in Turkey, not in order that we might support Turkey against Russia, but because we regarded an independent and well-governed Turkey as the only alternative to anarchy and confusion.

M. Isvolsky said the Russian desire now was to be friendly with Turkey. They did not wish to have Constantinople for themselves ; it was not a place which could be held like Gibraltar, it had to be made a capital, they could not make it their own capital, and they would not wish to see it in any hands but those of Turkey. Therefore, they wished to have a peaceful and well-governed Turkey, with whom they could be friendly.

I told him I recognized the Russian feeling about the Straits ; but the proposal he had now put before me was not the same as that which Count Benckendorff had discussed with me at the time of the Anglo-Russian Convention. The proposal then had been that, while Russia should have egress from the Black Sea through the Straits, other Powers should have liberty to send their vessels of war into the Straits without going into the Black Sea.

M. Isvolsky pointed out that, as Russia would not ask for any right to stay in the Straits, it would be useless to grant a right of access to

the Straits without staying there and without going on into the Black Sea. But he was not putting the proposal before me now on the ground that I had made any promise previously. He was putting it forward from the point of view of good relations.

If Russia did not make the proposal now, it might be blocked by Germany or Austria at some future time ; and he hoped that if Russia could get the consent of Turkey voluntarily to an arrangement such as he had suggested we would not oppose it.

I told M. Isvolsky I must have time to consult the Prime Minister and my colleagues, who had seen the proposal made some time ago, but to whom this would be quite new.

In a further conversation of the 12th October M. Isvolsky professed to be surprised when Sir Edward Grey made the point that the one-sided opening of the Straits presented objections :

The point I had put to him as to Russian cruisers being able to come out from the Straits into the Mediterranean in time of war, and being able to return again into the Straits free from pursuit, had not occurred to him. He thought it might be met by a provision that in time of war, when Turkey was neutral, she should observe her neutrality by giving equal facilities for passage through the Straits to all belligerents.

The final answer of Sir Edward Grey to these proposals, given on the 14th October after consideration by the Cabinet, was that the opening of the Straits was a reasonable demand which should not be opposed, but that it must be on terms of equality to all States, and that it would not be possible to accept a one-sided agreement by which they would be open to Russian ships alone. With regard to the procedure it was necessary first of all to secure the consent of Turkey, and he informed the Turkish Ambassador that ' we should make the voluntary acceptance by Turkey on terms considered by her to be satisfactory, a condition of our agreement to any such proposal '. The present moment was inopportune, as clearly the Turkish Government did not desire to have the question raised now, but when the time came, if Russia were able to come to a satisfactory arrangement with Turkey, His Majesty's Government would not oppose it.[1]

In the end nothing was done ; the discussions passed on to the Serbian question, and the matter for the time was allowed to drop. M. Isvolsky himself left office a few months later and became Russian Ambassador at Paris.

Though the question dropped for the time, it continued to

[1] [The full correspondence dealing with this matter has now been published in the *British Documents on the Origins of the War*, edited by Gooch and Temperley, Vol. V, pp. 441, &c.]

be the subject of correspondence between the Russian Foreign Office and Russian representatives abroad, and it naturally came up again in consequence of the war between Turkey and Italy (1911) and the Balkan War (1912–13). It would take too long to give any connected account of the discussions and there are many points which still remain obscure.[1] We note that M. Isvolsky constantly pressed the importance of the matter on the French Government. In October 1911, he wrote pointing out that 'if we now decide definitely to raise the question of the Straits, it is very important to secure a good press here'. For this purpose he must have more money. And a month later he explains to M. Louis, French Ambassador at St. Petersburg, that Russia desires to maintain as long as possible the existence of the Turkish Empire, but 'on condition that we are freed from old restrictions incompatible with our interests and our dignity'. And if an understanding with Turkey proves impossible, or there is a liquidation of Turkish dominion in Europe, 'naturally our point of view as to the Straits would change. Just as France has declared that she could not admit the establishment of any foreign Power whatsoever in Morocco, we are obliged on our side to warn France that Russia cannot admit the passage of the Straits in any but Russian hands'. They expected French support on this matter as a return for Russian support on Morocco.

At this time (November, 1911), M. Tcharykof, the Russian Ambassador at Constantinople, was bringing strong pressure to bear upon Turkey to come to a separate agreement with Russia. The great difficulty, however, was to get England to advance beyond the memorandum of 1908, which was not regarded as satisfactory. On the 2nd November, M. Sazonof wrote to Count Benckendorff:

> It appears desirable to us to use the present political situation in order to cause the French and English Governments to declare in a quite concrete and indeed in written form, their point of view on the question of the Straits, and to do this exclusively towards us, inde-

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[1] Our chief authorities for these events, in addition to the archives of the Foreign Office, are the recent publications from the Russian archives: *Diplomatische Aktenstücke zur Geschichte der Ententepolitik der Vorkriegsjahre*, by B. von Siebert; *Un Livre noir—Diplomatie d'avant-guerre d'après les Documents des Archives russes, Novembre* 1910–*Juillet* 1914. I have not been able to get access to Hoschiller's *L'Europe devant Constantinople*, which appears to contain important Russian documents.

pendently of the arrangements which we might eventually make with Turkey. As regards England especially, it is to be observed from your reports, we believe that we can conclude that Grey will make his consent depend on a previous agreement with Turkey. To us a condition of that kind is not quite comprehensible, for apart from the fact that it gives England a new guarantee as regards an arrangement which might perhaps be inconvenient to England, this implies for Turkey a new ground for objections. We do not unconditionally wish to solve the question of the Straits immediately, but to determine the conditions under which this question can be solved. We hope, therefore, that England within these limits, will be able to give her point of view in quite definitely written form, and if you believe that this would form an advance on the memorandum of 1908, we would ask you to discuss the matter with the English Ministers.

And Count Benckendorff answered :

I will try to get a result which is an advance on the memorandum of 1908, although it is always difficult to move the English Government to general obligations which refer to future eventualities.

And again :

Our object is free transport in both directions ; so far as this goes I see no serious difficulty, but to change the Black Sea in time of war into a great harbour of refuge for the Russian fleet, is another question ; on this point difficulties would arise.

The Turkish Government, who were being pressed by M. Tcharykof, naturally turned for advice to this country, and on the 5th December the following *aide-mémoire* was communicated by the Embassy here :

Russia has proposed to the Imperial Government an understanding to ensure, the one to the other, the free passage of the Straits, to the exclusion, of course, of the warships of all other Powers.

Russia would engage to defend the Straits in conjunction with Turkey in the event of their being attacked by a force of a foreign Power, to assure Turkey of her co-operation in the execution of railway projects in Asia Minor, and to act as an intermediary for the realization of an *entente* with the Balkan States.

The Imperial Government would naturally take as a basis of negotiation the treaties of 1841, 1856, and 1878, regulating the position of the Straits ; but in view of Sir E. Grey's statement in the House of Commons intimating the decision of His Majesty's Government to abstain from all intervention as long as English interests are not threatened, they would wish to know clearly and precisely whether the Foreign Office consider that those interests are threatened by the advantages which Russia desires to secure to herself by the conclusion of a new arrangement as to the position of the Straits.

The answer, which was given verbally, was—

that the free passage of commercial ships through the Dardanelles was a thing in which we were all interested, and which we all desired to

see preserved ; we therefore could not have any objection to an arrangement with Russia that would secure this free passage. As to opening the Straits to ships of war, I had promised M. Isvolsky in 1908 that we would not oppose the raising of this question, if Russia wished to raise it. But, in so far as this opening would require an alteration of treaties, it was a question which must be discussed with the Powers who were parties to the treaties.

This was, in effect, a refusal to accept the Russian proposals for settling the matter by separate conversations with Turkey. The negotiations were, therefore, for the time broken off.

The Russians, however, during the following years brought forward another argument. They represented the value which it would be to the *Entente* if they could depend in case of war on the support of a Russian fleet in the Mediterranean. In June, 1912, M. Poincaré is represented by M. Isvolsky as saying that—

he considers as altogether desirable from the point of view of general policy, and in view of the new situation in the Mediterranean, that France and England should open the exit of the Black Sea to the Russian naval forces, and that he is ready, when the occasion presents itself, to support us with all his efforts for the solution of this question.

This was clearly in the minds of the Russian Government when they concluded in 1912 a naval agreement with France ; and in 1914 proposed one with Great Britain.

Meanwhile, serious events were happening in the Balkans. When, in consequence of the Balkan Alliance, it appeared that danger to the safety of Constantinople itself might eventually be threatened, the Russians put forward the suggestion that they should give a guarantee of the safety of the city against the Balkan allies ; when the Bulgarian army was actually threatening Constantinople, the Russian Government said that if Bulgarian troops entered the city, the Russian fleet would at once be sent into the Bosphorus ; they would not object to the presence of the ships of other nations there, but the Russian fleet would remain until all the others had been withdrawn. The check of the Bulgarian army on the Chatalja lines removed the immediate danger to Constantinople, and for the moment European discussion was again concentrated on the Serbian question.

A letter from M. Sazonof to M. Isvolsky of the 28th November, 1912,[1] gives a valuable indication as to Russian policy. The Russians must observe ' a certain reserve towards English proposals to discuss the question of an eventual internationali-

[1] Siebert, p. 687.

zation of Constantinople and new guarantees for the régime of the Straits'. The reason for this is important. 'In our view the fundamental interests of Russia in the Straits cannot be protected by any treaty guarantees and clauses, for these can always be circumvented, but we must always consider what actual power is really in a condition to secure a given régime of the Straits from attack from any source.' This means that they would not accept neutralization or internationalization, but that if any change was to be made, they would be satisfied with nothing less than the actual physical control in their own hands. Again, he would not deal with Austria from the point of view of an arrangement or compensation; he rejected the suggestion (which Isvolsky had adopted in 1908) of making a bargain by which 'Russia should declare herself disinterested with regard to the western part of the Balkan peninsula, while Austria should give us complete freedom of action in Constantinople'. 'This would be injurious to the interests of the Balkan States.' Short of any more satisfactory final solution, 'the most practical course seems to us to be to deal with this question of the Straits as in 1908, that is, to empower the riverain States of the Black Sea, under certain conditions which would guarantee the security of Constantinople, to allow their ships of war to pass in and out in time of peace.' And in another letter of the 1st May, he rejects suggestions for financial proposals, the practical result of which would be that Turkish armaments would be limited and thereby the defence of Constantinople and the Straits imperilled. The Russian Government at this time showed great anxiety when they heard of any proposal for the increase of the Turkish fleet of such a kind that it would imperil Russian predominance in the Black Sea.

In truth, by the end of 1913 the situation as regards the Straits had completely changed and the Russian Government were rapidly becoming convinced that they must give up the passive and expectant attitude which, with few exceptions, they had observed for a hundred years; the time seemed to be approaching when, if they were not to lose the reversion of Constantinople, they must act, and act quickly. In the past they had had to do with a Turkey, decrepit, irresolute, influenced only by fear, a Turkey which would at any time be an easy prey. Of this there was no further question. If Turkey were to survive, it would be a new Turkey, animated by positive ambitions, national, racial, religious—a Turkey which under Enver Bey was adopting the Western conception of

Turkish nationalism, was already conceiving the idea of the solidarity of the Turanian race, and at the same time making herself the champion of the Mussulman revival. If, on the other hand—and this was perhaps more probable—Turkey were to fall for ever, there were now rival claimants in the field—Bulgaria and Greece. But this was not all. A new and more formidable competitor had appeared; Germany was once more strengthening her control over Constantinople which had for a short time after the revolution been shaken, but a German protectorate over Turkey, combined with commercial and political activities in Asia Minor, threatened to present a permanent barrier to the achievement of the national aspirations of Russia. These apprehensions were brought to a head when, in the winter of 1913, General Liman von Sanders was appointed to command the first Turkish army corps in Constantinople itself. A very serious crisis followed; it was for the moment overcome, but it was not forgotten, and we cannot be surprised that the Russian Government began to take active measures in order to be ready, when the moment came, to possess themselves of Constantinople and the Straits.

In November, 1913, a memorandum concerning the Straits was drawn up by M. Basili, Vice-Director of the Chancery of the Minister for Foreign Affairs; it was laid before the Tsar by M. Sazonof, received his approval and at the beginning of March 1914 was considered by a special conference at which were present many of the chief political military and naval advisers. This memorandum and the records of the conference which have been published by the present Russian Government afford valuable indications as to the conceptions by which the Russian Government were being influenced. The main consideration was, as Sazonof said, that 'if by force of events the Straits should be withdrawn from the dominion of Turkey, Russia could not allow any other Power to establish itself on their shores, and, therefore, perhaps, might be compelled to take possession of the Straits, and to determine the arrangements for the control of the Bosphorus and the Dardanelles. . . . Our historical task in reference to the Straits consists in the extension of our dominion over them.' Control over the Bosphorus alone would not be sufficient. Simple neutralization would not be satisfactory, for there would be no security against its violation, and therefore it would neither guarantee the exit of the Russian fleet from the Black Sea, nor the closing of the entrance against a hostile Power. It

was agreed that the main object would not be secured except as the result of a general European war. In such an event the fleet of the Triple Alliance would be held in check by the English and French navies; no support could be expected from Greece; 'the dream of Constantinople will probably be a hindrance to a closer approach between us and Greece', but Greece and Bulgaria would probably take opposite sides; Serbia would be fully occupied with Austria. The conference therefore proceeded to a discussion of the military and naval preparations which would be necessary in order, in the event of a general war, to seize Constantinople. Among other measures it was recommended that the Black Sea fleet be strengthened as soon as possible by a strong detachment of modern dreadnoughts.

If we are to understand the situation just before the outbreak of war, we must always recollect that for Russia the question of the Straits was predominant; to this the interest in Serbia, though it occupied a much larger part in public controversy, was subordinate. In the past the main opposition had always come from France and England; Germany had been favourable. Now the situation was changed and it was becoming more and more clear that the road to Constantinople lay through Berlin. If we keep this in mind we shall not be surprised to find that from the very moment that war broke out the Russians began to show extreme anxiety as to the future of Constantinople; when the Gallipoli expedition was proposed, they at once came forward with the demand that the zones of both Straits should be assigned to Russia, and at the beginning of 1915 they secured from Great Britain and France a formal acknowledgment of their claim.

November, 1922.

CHAPTER IX

PROPOSALS FOR THE REDUCTION OF ARMAMENTS

Introduction

THE object of the following paper is to record the various proposals which have been made on previous occasions for the reduction of armaments. It is limited to proposals made officially by responsible statesmen and to official discussions between Governments. No attempt is made to trace the origin and the growth of the idea as advocated publicly by unofficial writers and speakers. This side of the matter cannot, however, be ignored; in some ways it is the most important. In fact, the recent history of the question resolves itself into the efforts made by the leaders of organized public opinion to force action upon the Governments. In the past such efforts have always failed; whenever an attempt was made to embody the idea in practical action, the difficulties proved insuperable, and there arose a real apprehension lest international discussions might have an effect precisely opposite to that which had been hoped from them. Certainly in some cases they served to stimulate rather than mitigate international jealousy and suspicion, and, so far as they had any effect, tended to increase rather than diminish armaments, hasten rather than postpone war. This failure cannot be attributed merely to the intellectual limitations of the military and civilian officials. Even those who were the most ardent advocates of peace came to believe that disarmament was the wrong method of approaching the problem.

To a considerable extent a distinction must be made between proposals for naval and for military disarmament, and this distinction should be kept in mind in all discussions on the subject. The distinction arises from fundamental differences in the character and use of naval and military forces; the maintenance of a large navy does not have the same effect upon the political and social condition of a country as does that of a large army, and the dangers to civilization as a whole

arising from the intensified nature of modern warfare do not apply, to the same extent, to naval warfare. Of course the question of naval disarmament is that which chiefly affects this country. In consequence, there has been a disposition on the part of the British Government to give at least a non-committal support to proposals for the reduction of armies, while those for naval reduction have been treated with much more reserve.

The Russian Proposal of 1816

The first occasion on which the matter became one of official correspondence between Governments seems to have been in the year 1816, when it was brought forward by Tsar Alexander I. The episode, which is not generally known, though it had no immediate result, is curious and instructive, and it is difficult not to believe that it had something to do with the very similar action taken by his successor nearly a hundred years later. On the 21st March, 1816, the Tsar addressed a letter to Lord Castlereagh, in which, after referring to and explaining the motives which had led to the proposal of the Holy Alliance, he continued :

> This proof of mutual confidence and perfect conformity in political views would leave much to be desired if it was not followed by a more effective and a more general measure, which would guarantee the duration of the new order of things and encourage all peaceful nations to give themselves over without fear to entire security. This convincing and decisive measure would have to consist in a simultaneous reduction of the armed forces of every kind. . . . It is worthy of Great Britain to co-operate with all her influence in this salutary work, which alone can complete the result of previous agreements. My allies and brothers-in-arms, His Majesty the Emperor of Austria and His Majesty the King of Prussia, animated by the most generous views, will doubtless not hesitate to co-operate in the general plan. Our united efforts will succeed, I hope, in effecting jointly and in accordance to the proportions best suited to the present situation and the mutual relations of the States, the reduction of the armed forces of every kind, the maintenance of which on a war footing weakens the credit of the existing treaties and cannot but be burdensome to all nations. I could not, then, my Lord, have any doubt that the British Government will be willing to participate in this measure, which is demanded by common interests. I await for the overtures which will be made by you, my Lord, before explaining myself on this subject to the sovereigns, my allies, and proceeding in concert with them to proposals which would embrace the complete European system.

The reception of this proposal was such as might have been expected by those who are acquainted with the circumstances of the time and the characters of Lord Castlereagh and Prince

Metternich, to whom it was communicated.[1] The first point to which attention was drawn was that, in fact, the Tsar was the only Monarch in Europe who was still keeping his army upon a war footing, and that while all other nations were disarming, he himself had taken no steps in this direction. In the official answer Castlereagh states that—

> Whilst the Prince Regent is desirous of meeting the Emperor's views on the subject with the utmost cordiality, His Royal Highness ventures to submit to His Imperial Majesty's enlightened consideration, whether considerable advantages might not result from so great a Power as Russia reducing, in some degree, her military force, the other great military Powers on the continent, and especially Austria and Prussia, having, as it is generally understood, made considerable progress in reducing theirs.

Much apprehension was, in fact, aroused at this time by the Tsar's Turkish policy and the intrigues of his agents in Madrid. Castlereagh was also disturbed by Russian proposals for joint action against the Barbary pirates, the result of which would have been to bring a Russian fleet into the Mediterranean. Conversations took place between the Austrian Ambassador on the one hand, the Tsar and Marshal Barclay de Tolly on the other; it is curious to read the numerous explanations which were given by the two latter as to the reasons why it was at the time impossible for Russia to reduce her army. Among them were the obligations imposed by the wide extent of the Russian Empire—language almost identical with that used by the Russian Government in 1899.[2] The result was to intensify the suspicions with which the whole policy of the Tsar was regarded by his allies. Less than a year later we find Metternich seriously proposing a joint defensive alliance between the other allies against Russia, and Lord Castlereagh writing:

> I believe it is the first instance in which a Power free from all danger of invasion has thought fit after the return of peace—and such a peace—to keep 300,000 troops under the orders of a general-in-chief, and in a state of equipment qualifying them to take the field at a moment's notice.

Lord Cathcart was instructed 'to make the Emperor feel that if he wishes to inspire confidence he must place himself in a more pacific attitude, which will speak more convincingly and command more goodwill and respect in Europe than a

[1] It does not appear that the Prussian Government was apprised of the proposal.

[2] See pp. 268 *et seq.*

thousand diplomatic assurances or even than his Holy League'.

Of more general importance is the attitude of the British and Austrian Governments on the main idea of disarmament. In the first place, Lord Castlereagh stressed the great reduction which had taken place in English forces, and he instructed Lord Cathcart to lay a statement of these before the Tsar.

> Your Lordship's knowledge of the British army will enable you to convince the Emperor that our military establishment for the present year is founded wholly on considerations of internal policy. The Opposition in Parliament, for purposes of popular impression, endeavour to present an exaggerated picture of our force by comparing it with the army maintained in 1792; but it is obvious that the scale and nature of our Empire is wholly altered since that period, and that with it, our force must expand—the naval force to be maintained will in fact very little exceed that of 1792.

His own view, as explained in an official memorandum, was that each State should determine the size of the armaments which it required for its own purposes and then communicate proposals to its allies:

> The best course would be for each State to carry its disarmament as far as it could possibly reconcile to its own view of local expediency, explaining to allied and neighbouring States the extent and nature of its arrangements, as a means of dispelling alarm, and of rendering moderate establishments mutually convenient,

and he authorized Lord Cathcart to lay before the Russian Government a statement of the British establishment. At the same time he pressed for the rapid settlement of all outstanding points of controversy which might produce conflict or apprehensions. If these two methods were adopted, then the financial pressure would inevitably bring it about that armaments would in fact be reduced.

Here, at the very beginning, we get in embryo the policy which has on later occasions been adopted by this country. It is based on three points:

(*a*) That each country should arrange its armaments in accordance with its own necessities.

(*b*) That this having been done, full publicity should be given and the proposals communicated to all friendly States.

(*c*) That, at the same time, every effort should be made by diplomatic action to eliminate causes of difference between States.

It was believed that if other countries would proceed on these lines, the rivalry of armaments would in fact be kept within reasonable limits. This belief could be justified by two circumstances :

(1) The very stringent control over expenditure exercised by the House of Commons, which would always tend to keep expenditure down to the lowest possible limit.

(2) The absence of any great object of ambition, which could be attained only by war, or of any great and imminent danger which would require the utmost possible use of the national resources.

These two circumstances were in fact present in this country throughout the whole of the nineteenth century ; both of them were absent in other countries.

Prince Metternich, who was very suspicious, especially emphasized the impossibility of defining any maximum of the armaments for the different States.

> It appeared to be Prince Metternich's opinion that to regulate the amount or *maximum* of the respective forces of the different Powers would be unattainable. The geographical situation of a country, the resources, the temper and spirit of its inhabitants, the state of its interior, the facilities for raising an army when desirable or reducing it when no longer necessary, must all operate in the minds of its political rulers.

He also laid stress on the exposed position of Austria and the complications which arose from her internal constitution ; for instance, the Hungarian regiments, when once disbanded, could not be arrayed again as soon as could the Austrian levies. 'A nation, on such vital points as are connected with its stability and existence, must be governed by the true comprehensive digestion of all its institutions.' He also found himself unable to accept the proposal for communication as to armaments unless he could be sure of receiving from Russia at the same moment a reciprocal communication.

> The disadvantages of affording in the outset information of this nature, and the difficulty always of obtaining any true data from Russia, no one could better appreciate than your Lordship. To take the initiative here, uncertain of a reciprocity of confidence, would be impossible.

Here we have briefly indicated what we may call the continental point of view. It is in essence identical with that which was put forward at the first Peace Conference by the German representative.

Peace, Retrenchment and Reform

During the years that followed nothing more was heard officially of any similar project. The period after the great war was one in which the operation of natural causes prevented any large expenditure upon armaments, and there has probably never been a time in Europe when there has been so little general interest in war. It was indeed characteristic of the period that among all nations military preparations were neglected and neither naval nor military establishments were kept at any high pitch of efficiency. How true this was of Russia could be seen by the course of the war against Turkey; the Austrian Empire was gradually sinking under the incapacity and incompetence of the men by whom it was controlled, and even the Prussian army was comparatively neglected. In England the guiding principle was one of the strictest parsimony; it was a time of 'peace, retrenchment and reform', and as years went on the policy of the country was more and more controlled by the leaders of the free trade movement who looked forward to an era of universal peace. It is sufficient to recall a statement of the Duke of Wellington, that the only way in which he could keep any soldiers at all was by hiding them in Ireland. As to naval armaments, Great Britain could rest on the complete superiority at sea which she had won in the great war; even after steam navigation had been introduced, it was only slowly applied to the fleet. The effect on the army of this policy of inactivity was shown in the Crimea; it was perhaps fortunate that the fleet was never subjected to a similar test. From time to time a recognition of the dangers which might result from a neglect of armaments brought about a temporary and spasmodic agitation. The note of the time was parsimony, mitigated by panics.

Occasionally suggestions were made for a formal consideration of the reduction of armaments, but in no case does it appear that any definite action resulted. It seems desirable, however, to quote from a well-known speech made by Sir Robert Peel in 1841:

> Is not the time come when the powerful countries of Europe should reduce those military armaments which they have so sedulously raised? Is not the time come when they should be prepared to declare that there is no use in such overgrown establishments? What is the advantage of one Power greatly increasing its army and navy? Does it not see that if it possesses such increase for self-protection and defence, the other Powers will follow its example? The consequence of this state must be, that no increase of relative strength will accrue

to any one Power, but there must be a universal consumption of the resources of every country in military preparations. They are, in fact, depriving peace of half its advantages, and anticipating the energies of war, whenever they may be required. I do not mean to advocate any romantic notion of each nation trusting with security the professions of its neighbours ; but if each country were to commune with itself and ask—What is at present the danger of foreign invasion, compared to the danger of producing dissatisfaction and discontent, and curtailing the comforts of the people by undue taxation ? The answer must be this—that the danger of aggression is infinitely less than the danger of those sufferings to which the present exorbitant expenditure must give rise. The interest of Europe is not that any one country should exercise a peculiar influence ; but the true interest of Europe is to come to some one common accord, so as to enable every country to reduce those military armaments which belong to a state of war rather than of peace. I do wish that the councils of every country (or that the public voice and mind, if the councils did not) would willingly propagate such a doctrine.

And to this we may add a similar suggestion thrown out by Mr. Disraeli in 1859 :

> Let us terminate the disastrous system of wild expenditure, by mutually agreeing, with no hypocrisy, but in a manner and under circumstances which will admit of no doubt, by the reduction of armaments, that peace is really our policy.

In 1859, even Lord Palmerston made an informal approach to the French Government on the matter ; the result was most unsatisfactory.

The first sign of a reversion to the more military point of view may be seen in the acute crisis of 1840, which was followed by the building of the fortifications of Paris, but no real change took place until some ten years later. It was as a result of the revolution of 1848, which aimed at settling all European problems on the basis of liberty and self-determination, that a new era of warfare and military preparation began. From this time the territorial problems of Italy and the Balkans assumed an acute form, and on the continent of Europe peace and disarmament always have been and always will be impossible until the territorial problem has been so settled that every Power is willing cordially to accept and maintain the *status quo*. The first stage was the success of the Austrian and the Prussian armies, helped by that of Russia, in subduing the revolutions in Germany and Italy. These armies were soon to direct their forces against one another. The combination between Austria and Russia forced Prussia in 1851 to give up the plans which had been entertained for effecting the real union of Germany. From this time dates the beginning

of the reorganization of the Prussian army. The lessons of the war of 1859 were not lost, and in the same year the future Emperor, William I, having become Regent, set to work definitely on the task of making the army sufficiently strong to ensure the safety of his dominions and his influence in Europe. Then began the deliberate rivalry in armaments of all the Great Powers in Europe, in which the Austrian war of 1866 and the Franco-Prussian war were episodes.

It was long before English opinion and English statesmen showed any understanding of the forces which were working in other countries. The prevailing point of view was one of intellectual and moral superiority, and contempt for the folly of the foreigner who squandered his money on useless armies and navies instead of using it to buy British goods. This attitude, which was no doubt quite genuine and honest, was easily liable to misrepresentation and misinterpretation. After all, what was the position of this country? She was at the very height of her power and prosperity, and this position had been obtained by unremitting warfare and by the most vigorous use of naval and military armaments which had continued for nearly 150 years. From 1660–1815, for more than half the time Great Britain had been engaged in war with one or more continental Powers. By the success of her arms and diplomacy she had brought about a condition of things in which there was no longer on the continent of Europe a single State which she need fear, and the national animosities of the different nations made it inconceivable that any European coalition could arise which would be dangerous to her. The balance of power, of which the most signal result was the independence and neutrality of Belgium, seemed to be permanently secured. Great Britain had used this fortunate condition of things to establish a complete predominance upon the seas and in the other continents. So far as Europe was concerned, the whole development of the world seemed to be in her hands; in Asia alone was she challenged by Russia.

England had used this situation for the full development of her great industrial resources. She at least had nothing to gain by change; all that she required was peace in the world and free trade. But was it to be expected that the other nations would look on the problem in the same way? Permanent peace and disarmament, as a consequence or preliminary, must mean that the present political position would be stereotyped; development must be arrested; nations and States must be content with their existing boundaries and the

actual proportion of power. How would this affect countries such as Germany and Poland and Russia and the Balkans? Prussia would remain, as she then existed, one of the German States and the weakest among the Great Powers, but Germany would still be divided and helpless. The partitions of Poland would become permanent. Russia would be cut off from her hopes of territorial expansion, and the Slavonic nations of the Balkans would see themselves condemned to give up all their hopes of freedom and power. All the aspirations, hopes, ambitions and ideals of the universe were to wither away in order that England might cheaply enjoy the unrestricted power of commercial exploitation. All the talk about reduction of armaments served only to increase the intense animosity against British predominance, which (though apparently this was not understood by British statesmen) was becoming one of the strongest political forces upon the continent.

The point is well brought out in a paper written in 1916: 'Any general limitation of armaments implies that every State accepts for itself a definite standard of force not to be exceeded. This standard cannot be equal for all.' On what principle is it to be determined? None seems to be possible, except 'the empirical method of accepting the present distribution of force as indicating the normal to be varied, if necessary, in such a manner as to preserve the same proportion between the different States'. How can we expect all countries to accept a rule by which this existing proportion should be stereotyped and made permanent?

The existing proportionate distribution of force is the outcome of history, of past wars and territorial arrangements. It is the result of victories and defeats, of national achievements and of national disasters. At every given moment there are States who hope to retrieve past errors and misfortunes, and who strive to build upon stronger foundations the power of their nation. Such ambitions are natural and just. The nation that has them not is despised. To perpetuate indefinitely the conditions prevailing at a given time would mean not only that no States whose power has hitherto been weak relatively to others may hope to get stronger, but that a definite order or hierarchy must be recognized, in which each State is fated to occupy a fixed place. Is this a condition which can be expected to meet with general acceptance?

Proposals of 1870

The next occasion on which there were any formal discussions was immediately before the outbreak of the Franco-German war. The whole story, which was long unknown, is given in Lord Newton's *Life of Lord Lyons*. It can therefore be dis-

missed very briefly. In 1868, the French Government suggested that Her Majesty's Government should 'give advice' to Prussia on the subject of disarmament. Lord Stanley resolutely declined to do anything of the kind. In January, 1870, M. la Valette, and afterwards M. Olivier, again approached Lord Clarendon. It appeared that the French were in great financial difficulties; it was essential that the Government should do something to remit taxation, for they depended on the agricultural population for support against socialism and revolution. The only means of doing this was reduction of expenditure on the army, but they feared that if this were done, Prussia would make some attempt on soùthern Germany and war would be the consequence. If, however, Prussia would undertake a simultaneous disarmament all would be well and a great security for peace would be given. So strong was the financial pressure in France that, as is shown in later conversations, even if Prussia did not respond, they had resolved to reduce the annual French contingent from 100,000 men to 90,000, hoping that this would call out some response in Prussia.

It was agreed that the whole matter must be kept profoundly secret, but Lord Clarendon, in two despatches, instructed the British Ambassador at Berlin to approach Count Bismarck on the question. It is worth while quoting the following paragraphs:

> But it is in the general interest of Europe, of peace, and of humanity that I desire to invite the attention of Count Bismarck to the enormous standing armies that now afflict Europe by constituting a state of things that is neither peace nor war, but which is so destructive of confidence that men almost desire war with all its horrors in order to arrive at some certainty of peace—a state of things that withdraws millions of hands from productive industry and heavily taxes the people for their own injury and renders them discontented with their rulers. It is a state of things, in short, that no thoughtful man can contemplate without sorrow and alarm, for this system is cruel, it is out of harmony with the civilization of our age, and it is pregnant with danger.
>
> To modify this system would be a glorious work, and it is one that Prussia, better than any other Power, might undertake. She would not only earn for herself the gratitude of Europe, but give a great proof of her morality and her power; it would be a fitting complement of the military successes she has achieved.
>
> I know full well the difficulties that would beset such a course of policy. I know how great and deserved is the King's parental feeling and affection for his army—that he would view its reduction with pain, and that he might not think it safe to diminish its numerical force; but His Majesty is wise and foreseeing, and his moral courage is always equal to the measures he believes to be right, and should Count Bismarck think it not inconsistent with his duty to recommend a partial disarmament to the King, I cannot but consider that the moment is a singularly propitious one for the purpose.

How futile does this all appear in view of our present knowledge of the real situation at that moment. The Prussian army was not maintained, as Lord Clarendon seems to think, merely because of the personal feelings of the King; it was a great instrument deliberately built up in order to bring about the unification of Germany under Prussia. The 'complement to the military success' of Prussia was to be found not in reduction of armaments, but in the final achievement of the end for which they were maintained. The obstacle to this arose from the opposition of France and the possible opposition of Russia. But the French opposition was not that of the Emperor. It was M. Thiers and the Liberal opposition who had proclaimed that the victory of Königgrätz was a defeat to France, and forced the Government at once to begin a strong increase of arms in order, if necessary, to prevent a further growth of Prussian power.

In a later despatch, Lord Clarendon says: 'Can it be honestly affirmed that the power and independence of Prussia are menaced from any quarter?' He did not know the facts. At that very moment an offensive alliance against Prussia, to take effect the next year, was being negotiated between France and Austria. But if Lord Clarendon did not know this, Bismarck did. There was one way, and one only, by which peace could have been kept between France and Prussia, the method which Napoleon would doubtless have preferred—an agreement by which, on the one hand, the unification of Germany should have been completed, and on the other, France should have been compensated by the annexation of part of Belgium. When Lord Clarendon was supporting the suggestion that the two continental Powers should not prepare for war with each other, he was really advising a course of action which must inevitably have led to an agreement between them for a partition of Belgium, and as a necessary result of this, a coalition for war against England. How little did he know of the dangers with which he was playing!

It need not be said that the suggestions were refused by Count Bismarck; he received them courteously, but did not trouble to argue the point seriously; the reasons he gave for refusal were not the real ones. The episode was never alluded to in German works on the period, and if it left any impression upon his mind, it would only be that the Government of France was becoming weak, that war with them would not be formidable, and that therefore it should be pressed on as soon as possible, before the military arrangements which were being

made by Austria were completed, and while he was still assured of the benevolent neutrality of Russia.

The New Rivalry of Armaments

Nearly forty years were to elapse before the matter was again raised officially. But the events of these years altered and accentuated the problem. It was (except for the Russo-Turkish war) a time of peace—the longest period of history during which there had been no warfare in Western Europe. But this peace was accompanied by a steady, continuous and pronounced increase in the armaments of every country. The impulse came from Germany. Her influence was shown in two ways : first, the extension to all countries on the continent of Europe of the German system of compulsory universal service, which inevitably meant an enormous increase, both in the standing armies and still more in the reserves ; secondly, the deliberate and persistent application to military organization of the resources of modern science. During the middle of the century there had been nothing like this ; on the whole, the soldiers had lagged behind, and there had been no increase, either in the size of the armies or in their organization, commensurate with the growth of population, wealth and control over the forces of nature. All this was now changed, and the result was that the modern army became an instrument infinitely more effective and dangerous than anything which had before been contemplated. As a result, the financial burden imposed upon different countries increased to such an extent that for the weaker and poorer States it threatened to become insupportable. How trivial in the light of modern experience appear the lamentations over the burden of armaments of the previous generation.

At the same time, or rather later, national rivalry was extended to the navy. This began about 1878 with the inauguration of the new German colonial policy. In 1880 the United States, who had hitherto completely neglected their navy, started to build a new fleet, and about the same time began the growth of the Japanese navy. France, encouraged by Germany, entered on a new period of colonial expansion, and new problems and ambitions awoke in this country. The older Whig doctrine (which was held, in fact, by many Conservatives), that the British colonies would inevitably secede, gradually gave way to the newer projects for federation of the Empire. But owing to the colonial activity both of France and of Germany, it was clear that any strengthening of the

British Empire would not be accomplished without international complications. By the opening of the Suez Canal and the occupation of Egypt, very serious additional responsibilities were thrown upon the navy. From this period dates the gradual strengthening of all the fleets of the world, and the application to shipbuilding of the most advanced modern science.

With the establishment of modern Germany there had been introduced what in truth was a new element. The opposition to disarmament or any reduction of forces in other States had hitherto always been based on the practical and technical difficulties involved; no one seems to have questioned the general principle that such a reduction, if it could be brought about, would be beneficial to all. It was reserved for the German Government for the first time avowedly to base their opposition upon this question of principle. In doing so they were in a characteristic manner putting in a logical and coherent form ideas which hitherto had been vaguely diffused and only half understood. Their view was that the influence of each nation in the world should be proportionate to its real power. The real power depended partly on the extent of its territory, its wealth and the numbers of its population. But there must also be considered its intellectual and moral qualities—courage, mutual loyalty, subordination to the general welfare, and the application of intellectual power to the same object. In their view the size and the efficiency of the military and naval establishments were not indeed the only, but the best indication available, of the aggregate power and wealth of the nation. In no other way could this aggregate be given practical expression. The fact that one nation had a larger and better army than another became then the evidence that it was superior in all those qualities which justified it in holding a higher place in the world's councils. Looked at from this point of view the rivalry of military establishments was not an accidental evil, but a fundamental necessity. Any proposal to limit them was merely a device to give to countries which were decadent and inefficient an artificial position which they did not deserve. This doctrine became the basis of the whole national thought, and it was held to a large extent even by many of those, such as the Socialists, who might be found in opposition to the Government in the Reichstag.

It could be objected to this view that the practical results to which it led were indefensible in that the rivalry of armaments was becoming such a burden to some nations as to bring them

to the verge of bankruptcy. This was no real answer. All that it showed was that one nation or another was led to confess that it was being beaten ; the rivalry in armaments, in fact, took the place of actual warfare, and the superiority of Germany became evident even though no gun was fired. If France or Italy were becoming overburdened in the race, all that this meant was that they were proved to be weaker than Germany and therefore must submit to Germany's superiority. If Great Britain at a later date, rather than maintain her rivalry in navies, proposed an artificial limitation or a naval holiday, this only meant that Germany was succeeding in her object of breaking the British supremacy at sea.

These tendencies naturally evoked criticism and remonstrance ; men began to organize themselves both here and elsewhere in societies for the promotion of peace ; and in their programme a first place was taken, side by side with international arbitration, by disarmament. But their efforts were without avail; occasional speeches or debates in Parliament, the publication of books and pamphlets, public meetings sparsely attended, had no influence upon the general course of affairs. Year by year the naval and military budgets of every country increased. The world found itself in a vicious circle from which there seemed no escape, and it was one in which the weaker countries were already beginning to give way under the strain. There seemed no outcome but war or revolution.

First Hague Conference

A new chapter was opened by the celebrated circular of the Russian Government on the 24th August, 1898, inviting the nations of the world to a general conference to discuss the reduction of armaments. The procedure was unusual. The Russian Government not only issued, but published a note, apparently without consulting or sounding any of the other Governments, not even that of France, with which they were in close alliance. Not unnaturally, informed opinion sought for reasons different from those which were avowed ; such reasons might easily be found in the unsatisfactory state of Russian finance. The Russian Government wished to issue a new loan, but they were confronted by the immediate necessity for a complete re-arming of the artillery in order to meet the situation created by improvements in the German army, and they were at the same time involved in the very difficult situation in the Far East. For this reason it would be a great advantage to them if for the next few years they could be

freed from heavy expenditure for military purposes. It seemed, however, most probable that the particular form which the communication took was due to the personal action of the Tsar, who had been much impressed by the study of M. Bloch's well-known book on war ; his proposals were supported by the Foreign Secretary, Count Mouravief, for the reasons suggested above. It was generally supposed that this new move was largely due to the influence of Count Witte. The first effect was that almost every nation, while professing in public the fullest sympathy with the humanitarian objects professed by the Government of Russia, laid stress on the immediate difficulties involved in the proposal. It was at once pointed out that any concerted action for the reduction of armaments must be based on an agreement for the maintenance of the *status quo*, and it might be difficult to bring about any such agreement. Alsace-Lorraine was at once mentioned—' The disarmament proposals will not be received with universal satisfaction by public opinion in France. Rather the contrary, for their acceptance will imply the abandonment of Alsace-Lorraine.' A Servian statesman said : ' The idea of disarmament does not please our people in any way. The Servian race is split up under seven or eight different foreign Governments and we cannot be satisfied so long as this state of things lasts. We live in the hope of getting something for ourselves out of the general conflagration whenever it takes place.'

In a subsequent communication of the 11th January, 1899, the Russian Government specified more precisely the subjects which would be proposed for consideration. Of these, for our purpose the important ones are :

(1) Agreement stipulating for a defined period the non-increase of the actual effectives of armed forces by sea and land as well as of the war budgets ; preliminary study of the methods by which in the future a reduction of the effectives and of the budgets mentioned might be realized.

(2) Prohibition of the use of new firearms and new explosives as well as of powders more powerful than those actually employed.

(3) Limitation of the employment in war of explosives of a formidable power already existing and prohibition of the dropping of projectiles or any explosives from balloons or analogous means.

(4) Prohibition of the employment in naval warfare of sub-

marine boats or other engines of destruction of the same nature; undertaking not to construct in the future ramming ships.

The attitude of the British Government was from the beginning sympathetic but non-committal; they pointed out the necessity for the precise determination of what was aimed at, and also that the prohibitions could only be of serious value if some organization were called into existence which could secure that they be obeyed. If there were to be a legal limitation to the armed forces of any Power, whether by land or sea, there must be some machinery which would be able to dictate and repress any increase beyond the agreed total. In fact, the practical working of the whole scheme depended on the action and efficacy of the inspecting and restraining organization. The technical advisers to the Government were strongly opposed to any formal limitation of armaments and also to any artificial restrictions on the nature of the weapons to be employed. They did not believe that any practicable scheme could be devised, and they maintained that the new firearms and explosives did not add to the suffering caused by war nor to the percentage of killed and wounded in battle, a view which, it may be suggested, has scarcely been supported by more recent experience.

The later history of the proposal is instructive. After prolonged negotiation the first Peace Conference at The Hague met in June, 1899. Its labours were not, as many anticipated that they would be, fruitless. It arrived at important conclusions which, having been incorporated in the final act, became part of the public international law; it is noticeable that, except on very minor points, the effective work of the Conference dealt with everything except that which had been put in the forefront of the Russian note. A scheme was elaborated for an International Court; the possibilities of arbitration were investigated; changes were made in the rules of warfare at sea and the conduct of war on land, but no agreement was arrived at concerning the limitation of armaments. Not indeed that no discussion took place, but the discussion only showed how impossible, under existing political conditions, was the project. It was not till nearly the end of the Conference that the matter came up at all; there had been long delay in putting forward the Russian proposals and this delay was doubtless due to the difficulty found in framing them. The actual proposals were as follows:

The establishment of an international agreement for a term

of five years, stipulating the non-augmentation of the actual number of peace effectives, of troops maintained in the mother-countries.

The settlement, if this agreement were arrived at, if possible, of the number of peace effectives of the armies of all the Powers, not including colonial troops.

The maintenance for the same period of five years of the total of the military budget actually in force.

For naval warfare similar proposals were put forward ; the principle of fixing for a period of three years the total naval budgets with the undertaking not to increase the total during this triennial period, and the obligation to communicate the following information in advance for the same period :

(*a*) The total tonnage of war vessels which it was proposed to construct without defining the types themselves.

(*b*) The number of officers and naval equipment.

(*c*) The expenses for works on ports, such as fortifications, docks, arsenals, etc.

Quite apart from the technical difficulties, which in fact were so great that it did not seem to the members of the Conference worth while embarking on the labour of a detailed investigation, the political difficulties were insuperable.

The military problem depended entirely upon the action of Germany :

> Germany is the military centre of Europe, and all ideas of effecting any reduction, small or great, in the present burden of armaments on land, must inevitably fail if they do not receive support from Berlin. They do not receive such support ; on the contrary, they are met with the plain indication that Germany will under no circumstances be a party to limitation, and still less to any reduction of armaments ; they consequently fall to the ground.

The German representative, General Schwarzhoff, spoke with great frankness. He denied that the German people were overwhelmed by the burden of armaments. Public and private wealth and the standard of life were constantly increasing. He denied that excessive armaments would bring about war ; he had too great confidence in the wisdom of the Sovereigns and of the nations. He pointed out the difficulty raised by the Russian claim that the forces maintained on the outskirts of the Empire should be excluded from the proposed convention ; for, as he said with great force, they would certainly take part in any continental war. Again, to refer to the technical difficulties, the actual numbers of men with the colours could not be considered alone. There had to be

taken into consideration other factors, for instance, the state of public education, duration of active service, the number of the cadre, the effectives in each unit, the number and duration of the occasions on which reservists could be called to the colours, the situation of depots, railways, the number and situation of fortified places. In a modern army the whole formed a complicated national system of defence which each nation had worked out for itself in accordance with its character, its history, its traditions, taking into account its economic resources, its geographical situation and the duties which might be imposed upon it. It seemed impossible to submit this work, which was of so peculiarly national a character, to an international convention. It would be impossible to determine the extent and magnitude of a single part of this complicated machine.

It may be worth while to draw attention to a single illustration of the nature of these difficulties. It is quite true, as was pointed out in later discussion, that the effectiveness of the military organization in war would largely depend upon the provision of railways which had either been built for strategic purposes or might be used for them. Now, if there were established for a period of five years a reduction of the money directly spent upon armaments, this saving might enable the Russian Government to expend large sums on the development of railway communication in Poland. It would be difficult to veto this on the ground that it was military expenditure, but it would be none the less of the highest value in the event of war. Germany, therefore, by agreeing to a reduction, would have compelled herself to watch an improvement in the Russian military machine, the opportunity for which she had herself provided.

The naval situation was less simple. Here, Great Britain held the position which Germany enjoyed in military affairs, the attitude of Great Britain was different from that of Germany, she was not opposed in principle to the consideration of some agreement, but this did not simplify matters. It became apparent as the result of conversations that neither France nor Russia, the two Powers against whom, at that time, British naval armaments were more directly addressed, took the British fleet into consideration at all. The superiority was so great that they had no intention, even in the case of war, of jeopardizing the existence of their own navies :

England is the very last naval Power that Russia either considers or fears. The reason is a very simple one. She considers our fleet ten

times more powerful than her own, and will never wage a naval war against us. If forced to declare or accept war, she will shut up her fleet in fortified ports and fight us on land in the East.

But this did not in the least affect the problem of Russian naval disarmament :

Although anxious to meet us half way, Russia cannot come to a separate understanding with England to limit naval armaments so long as there is no check upon the navies of Germany and Japan, with whose maritime strength Russia is mainly concerned, since she would gain nothing as against us and lose all as against them. But the German naval delegate has been as frank as his military colleague, and has made it quite clear that Germany will not hear of limiting naval armaments, while Japan, according to her naval representative, will only listen, when she has reached the standard of the great naval Powers, that is to say, never. . . . The difficulties in the way of naval disarmament are not at the top of the graduated school of naval Powers, but at the bottom ; they are none the less almost insuperable, and the crux of the problem lies in the fact that no Power can cry halt while the one next below him on the scale continues to arm, and that the latter will not cease to arm until he has reached an equality with the rival above him.

What it comes to is that the younger and weaker naval Powers will always refuse to acquiesce in a system which makes permanent what they regard as their temporary inferiority ; they will build in order to secure the position which they consider their due, and so long as they do so, those Powers which enjoy a present superiority must build in order to maintain it. Then ' the new policy of America and the rapid growth of her fleet are bringing a further set of considerations to the front '. A French admiral remarked, ' that the Americans had destroyed the Spanish navy and commerce, and now wanted no one to destroy theirs.' For America, the great question of the future was China : ' The United States will be compelled by facts, if not by settled policy, to take a leading part in the struggle for Chinese markets, and this will entail a very considerable increase in her naval forces in the Pacific, which again must influence the naval arrangements of at least five Powers.'

From another quarter comes a warning of a different kind :

It is further to be observed that certain advocates of a general reduction of the military forces of European Powers urge that diminution—not from the laudable and humane point of view of the Emperor's proposal, but with the object that the economies in the military estimates should be devoted to an increase in the naval forces of the European States, with the intention of forming a coalition for the purpose of overthrowing the maritime supremacy of the United Kingdom. Military disarmaments devised with this intention would be prejudicial to the cause of peace and to the interests of this country.

The suggestion is one which must be regarded with some scepticism; no doubt the conception of a general European coalition against Great Britain, which had for a moment been put forward at the time of the Jameson Raid, was still regarded with favour in some quarters, but there does not seem corroborative evidence of any clear scheme or policy.[1]

Ultimately the Conference unanimously agreed to the following resolution:

> The Conference considers that the limitation of the military charges which actually weigh upon the world is much to be desired for the growth of the material and moral well-being of humanity.

Akin to the proposals for formal limitation of armaments were the suggestions for restricting the nature of the weapons used, for it was clear that any restriction of this kind could be made the beginning for imposing a check on the unlimited development of weapons of war, and if the principle of such a check were once established, a very extended application of it might become possible. The actual proposals made were:

(*a*) Military—the prohibition of the use of expanding bullets, asphyxiating gases, and the use of balloons for the dropping of explosives.

(*b*) Naval—a limitation of the calibre of guns.

In addition to these a French proposal was put forward to the following effect:

> The contracting nations engage for a period of not to submit the existing types of guns to a radical transformation similar to that of the replacement of the muzzle-loader by the breech-loader. In any case, the calibre actually in use should not be increased.

It was explained that the last expression meant the largest calibre of any gun at present in use in any navy. The proposal was to prohibit any increase beyond the largest gun in existence. This would have permitted other nations to make guns up to the largest size or calibre of any in the British navy, but would have prohibited the British navy from any further development by which they would maintain the superiority which they actually enjoyed.

One is not surprised to find that the British naval representative, Sir John Fisher, stated that he was not prepared to agree to the proposal; in his opinion, it was out of the question to limit the calibre of guns without at the same time fixing the limits of armour, and it did not appear to him practicable to state a formula which would prove satisfactory in this sense

[1] See p. 264.

even if the fundamental difficulty of control could be got over. On the other hand, he agreed to the proposal to prohibit submarine vessels and rams on condition that it should be universally adopted. The Admiralty determined 'that they are unable to fix any limits for the thickness of armour, the calibre and length of guns, or the initial velocity of the projectile, as it is a complex problem depending to some extent on the nature of the explosive used, which varies in different countries'.

In truth, it is hardly necessary to trouble oneself about the fate of this and similar suggestions. The slightest examination always showed that artificial restrictions of this kind were impracticable; if they were put forward by any State it simply meant that that country found itself at the moment dropping behind in the rivalry and competition of armaments and therefore supported suggestions by which restriction would be placed on the richer, more powerful and more vigorous countries. This no doubt will always be the fate of any such proposals, they may perhaps be accepted by one or more Powers which are at the moment confronted by financial pressure or professional incompetence, but they will always be rejected by the country which takes the lead, and the very fact that they have been put forward or accepted by others will merely serve as evidence that these countries feel themselves beaten in the competition. The result, therefore, is to encourage the stronger nation to go ahead on the course which it has already adopted.

The Second Hague Conference

It had been determined that a second Conference should be held after seven years. When the time came, a complete change had taken place in the political situation, which especially affected the problem of disarmament. 1899 had been a period of general *détente*. In 1907 the mutual rivalry of nations had reached an acute stage, and now, for the first time, it turned on matters which particularly concerned this country. Great Britain in 1899 had still stood aloof from the alliances and enmities of continental nations; in 1907 she had definitely thrown in her lot with France and was at the moment negotiating the terms of an agreement with Russia, the result of which was that she became a leading member of the Franco-Russian diplomatic group. The principal reason for this change of attitude must be found in the naval activity of Germany. By the Naval Law of 1900 the German Government had deliberately embarked upon a policy, the avowed object of which was to challenge British supremacy at sea. This was

done just at the time when, by an unparalleled display of sea power, Great Britain had been able to defy the general hostility of the world and bring to a successful conclusion a settlement of the South African problem. This was the moment chosen by the three men of greatest influence in Germany, the Emperor, Prince Bülow and Admiral von Tirpitz, to create a navy which would in the future make it impossible for Great Britain to carry out her own policy and to deal successfully with similar imperial problems. The object of the German Naval Law was clear enough at the time, and has been more fully explained later by those who were responsible for it. The immediate object was not so much war against England, still less the invasion of England, as the creation of a power the very existence of which could be used to force Great Britain to modify her actions in a manner favourable to German ambitions. The only possible answer was to start on a great scheme of naval construction and reorganization, by which England would maintain her relative superiority on the seas and at the same time to enter into an understanding with those other nations who were threatened by German predominance. The whole question of reduction of armaments became one of the main factors in a most complex situation, and the rivalry in naval armaments now assumed a political position equal, and perhaps superior, in importance to military rivalry. The attitude taken up and throughout maintained by the British Government was that they would keep the two-Power standard, that for every ship laid down by the Germans they would lay down two, and that there could be no improvement in the relations of the two countries until the Germans relaxed their efforts. This was, for instance, explained by King Edward in a personal interview with the Emperor of Austria.

It was inevitable that the mutual rivalry in shipbuilding should on both sides stir up strong national animosity; in both countries the consent of Parliament had to be secured for the very heavy taxation involved. This was particularly inconvenient to the Liberal Government, which came into office in 1905, for a large proportion of their supporters were by temperament and conviction opposed to military preparations and were more interested in urgent problems of social reform. In these circumstances His Majesty's Government were placed in a situation of peculiar difficulty.

Owing to the war between Russia and Japan the first official proposals for a new Conference were sent out from the United States; but, after peace had been concluded, the formal

invitation was despatched by the Russian Government in April, 1906. Among the subjects to be discussed no mention was made of the limitation of armaments. This at once produced a number of protests from public bodies, and debates on the matter took place, both in the House of Commons and the House of Lords. Sir Edward Grey, on behalf of the Government, accepted a motion in the House of Commons to the following effect :

> That this House is of opinion that the growth of expenditure on armaments is excessive and ought to be reduced ; such expenditure lessens national and commercial credit, intensifies the unemployed problem, reduces the resources available for social reform and presses with exceptional severity on the industrial classes ; and it therefore calls upon the Government to take drastic steps to reduce the drain on national income, and to this end to press for the inclusion of the question of the reduction of armaments by international agreement in the agenda of the forthcoming Hague Conference.

In his speech he said :

> Nowadays the expenditure in Europe on armies and navies is so great that in a sense every year we suffer that depression of national life which, though we are at peace, is in itself one of the worst conditions of war. Now, there is no more profitable task to which any such thing as The Hague Conference might aspire than to produce some practical result of agreement amongst nations as would lead to reduction of this unproductive expenditure. It is true there are difficulties about coming to any settlement. I will not dwell on those difficulties. They are there, and they make themselves easily felt without my dilating upon them. But it was the original object of the First Hague Conference to do something to reduce expenditure, or, at any rate, to stop the increase of expenditure. The reason for doing that is not less urgent now than it was then. On the contrary, it is more urgent. It is said that we are waiting upon foreign nations in order to reduce our expenditure. As a matter of fact, we are all waiting on each other. Some day or other somebody must take the first step. I think it was the honourable and gallant gentleman opposite who said that our naval policy was dictated by the building policy of other nations. I am sure that, when we are all met together at The Hague Conference, if our policy is so interdependent on the policy of other nations, the possibility of reducing expenditure should be one of the subjects which should be discussed.

The Prime Minister also, in public speeches and in an article which appeared in the *Nation*, warmly advocated a reduction of armaments.

During the prolonged official negotiations which took place before the Conference met, Sir Edward Grey strongly pressed that the reduction of armaments should be included in the programme of the Conference. In conversation with Professor

Martens, who had been despatched by the Russian Government to explore the situation, he said :

> We had, in accepting the programme as a base, expressed a wish that the subject of expenditure on armaments should be discussed. I objected to the term ' disarmament ', which I knew to represent a thing that was not practicable. But to reduce or limit expenditure, or even to stop the further increase of it, was an object as urgent and desirable now as it was when the Russian Government announced it as the chief motive of the First Hague Conference.
>
> Professor Martens said it was the case that the Russian Government had omitted the subject from their programme this time. They had done so because on the previous occasion it had been impossible to obtain any result. He asked whether we were likely to take the initiative in the discussion of the subject at the Conference.
>
> I told him that we did not desire to take the initiative if any other Power would take it. My answer at the moment must therefore be that we desired strongly to have the question discussed ; that we could not pledge ourselves not to take the initiative, but we were quite willing, and might even prefer to see the initiative taken by some other Power.

And in March, 1907, an official notification was conveyed to the Russian Government ' expressing the hope of His Majesty's Government that it would be stated in the invitations to be issued for The Hague Conference that His Majesty's Government attached importance to the question of the expenditure on armaments, and that they reserved their right to raise the question '. Some support was received from the United States, but among the other Powers this attitude was not favourably received. The Italian Government, thereby separating itself from its Allies, was not opposed to some discussion on the matter. On the other hand, French opinion was adverse. The French press was strongly opposed to any restrictions on naval construction :

> Great Britain is assured of supremacy at sea. One of two things must happen : if The Hague Conference comes to a successful conclusion, Great Britain will obtain by international agreement a guarantee of her acquired superiority ; if the Conference fail, Great Britain will again push the pace of her naval construction, and lead by a long way in the steeplechase spoken of by Sir Henry Campbell-Bannerman. In a word, the British Government gives itself the satisfaction of making a pacific gesture, which is, however, without consequences or actual risks to itself.

And the French Government refused to accept a proposal in the Chamber supporting the English proposal for discussion on the limitation of armaments at the Conference.

German opinion which was, of course, followed by that of

Austria, was frankly unfavourable. The German press, clearly inspired by the Government, while they recognized the honesty of Sir Henry Campbell-Bannerman, showed apprehension that the only result, whether intentioned or not, of the British attitude would be to throw upon Germany the odium of resisting these proposals and thereby winning a moral advantage for Great Britain. They showed themselves peculiarly sensitive to any sympathy for the idea of disarmament which might appear from time to time in the German Liberal press. Ultimately, Prince Bülow, at the end of May, 1907, publicly declared that Germany would not take part in any discussions on disarmament. This made it impossible for the British Government to continue to press the point, for to do so would clearly produce very serious friction. In the official instructions to Sir Edward Fry, Sir Edward Grey therefore said:

> His Majesty's Government further reserved to themselves the right of suggesting the discussion of other cognate questions of international interest not specifically mentioned in the programme. Foremost among such questions is that of expenditure on armaments, which His Majesty's Government have from the first been desirous of seeing discussed at the Conference. They felt it was better to have a discussion, even if it did not lead to a satisfactory conclusion. Discussion without result would, at any rate, have kept the door open for continuing negotiations on the subject. Whereas, to put the question aside would seem like an admission that it was hopeless, and had receded since the first Conference, of which it was the prime object. They felt that, this being a question on which perhaps there must be many discussions, and even failures, before progress is made, even a failure to secure a definite result was better than no discussion at all.
>
> His Majesty's Government have accordingly reserved their right to bring the question forward at the Conference, and have told the United States Government, who have made a similar reservation, that they would support them in promoting a discussion. If, therefore, the United States delegates bring the subject forward, it will be your duty to support them. But, after the apparently final declaration of the German Government, that under no circumstances would they take any part in such a discussion, it is doubtful how far it would be expedient to proceed with it. The position of Germany, both as a military and a naval Power, is such that it is difficult to regard as serious any discussion in which she does not take part. And, though she has not stated that she would resent any discussion by others, it is possible that to persist in bringing the subject before the Conference after her declaration would give an impression of discourtesy. His Majesty's Government would be most reluctant that anything should take place at The Hague Conference, summoned, as it is, in the interests of peace, that would be of a nature to cause friction or ill-feeling. You will, therefore, consult closely with your United States colleagues, and ascertain what instructions they have, and consider with them what line it is best to take.

The Spanish Government have also made a similar reservation on this question, and their delegates should also be consulted ; and it is possible that the Italian delegates may also have some instructions as to the procedure to be adopted.

Should it be decided that the subject shall be discussed and a practical proposal be invited, you are authorized to say that His Majesty's Government would agree to a proposal that the great Powers should communicate to each other in advance their programmes of new naval construction. If this were done, they might be led to realize how closely in some cases the naval construction of one Power is dependent upon that of another ; and an opportunity would be given for negotiations with the object of reducing the programmes, before the Governments of the great Powers were finally committed to them by announcing them to their respective Parliaments. His Majesty's Government are aware that this would not necessarily lead directly to any reduction in expenditure, but they are hopeful that the mere fact of communication between the Powers would provide opportunities for negotiation that do not now exist, and would tend to alleviate the burden of expenditure or retard its increase. Though, however, they consider that this or some other proposal put forward by another Power would be useful for the sake of the discussion to which it would give rise, even if it were not eventually accepted, you should not put forward any proposal unless there be a general decision and a strong desire that a discussion should take place, and unless it is made clear that such a course will be taken in good part.

With this, so far as official discussion goes, the matter ended. The opposition of Germany was so pronounced that it became clear that any proposal for formal consideration would not improbably cause the break-up of the Conference. Baron Marschall von Bieberstein allowed no uncertainty on this point, and it was in consequence impossible to proceed further in the matter. This uncompromising opposition of the German Gevernment was criticized even in Germany ; there were some who thought that it would have been wiser to have allowed an investigation of the problem, strong in the conviction that no result would be achieved. It would, for instance, have been sufficient for Germany to have proposed that if there were any limitation of armaments the maximum allowed to each State must be based on the population ; this would certainly have been refused by France and Great Britain, but they would thereby have avoided the implication, that it was they alone who rendered fruitless all pacific and humanitarian aspirations. The German Government preferred a more straightforward attitude.

Finally, after discussing the question with the delegates of the Powers at The Hague, and obtaining their full concurrence, Sir E. Fry, the British plenipotentiary, brought forward a resolution, which was unanimously adopted, confirming the resolution adopted by the

First Peace Conference in 1899, and declaring that the question of the limitation of armaments had become more urgent, and that it was desirable that the Governments should resume a study of it. In the course of his speech Sir E. Fry stated that Great Britain was ready to exchange with any other Power in advance their proposed naval estimates and programme of construction, in the hope that such a course might lead to an interchange of views, and ultimately, perhaps, to a reduction in naval expenditure.

Anglo-German Conversations, 1909–1912

During the years succeeding the Conference, separate conversations and negotiations took place between this country and Germany ; the discussions were very long, involved and voluminous ; they were constantly interrupted, as by general elections in both countries and by the Agadir crisis of 1911 ; they culminated in the visit of Lord Haldane to Berlin in 1912. These discussions led to no result, but none the less they merit the most careful study ; they were conducted on both sides with great ability, and this was the first occasion on which the reduction of armaments was the subject of serious and prolonged negotiations between two first-class Powers. They cannot be understood except in conjunction with the whole political situation, and, indeed, the chief lesson to be learned from them is that the question of disarmament can never be dealt with separately, for the relative strength of armies and navies at any particular moment is always determined by the policy of the States ; the settlement of political differences must therefore precede disarmament. All we can do here is very briefly to summarize the chief points.

Both during and after the Conference the British Government always let it be known that in their view the one means of bringing about better relations with Germany was a relaxation in the naval rivalry, and that they would welcome discussions with this object. So long as Prince Bülow remained Chancellor, no progress could be made ; he was personally too closely involved in the growth of the German fleet, on which, as he has since explained, his whole foreign policy depended. Publicly and privately, officially and unofficially, the representatives of the German Government consistently adhered to the position that they could not in any way interfere with the execution of the naval law. The German Emperor said to Sir Charles Hardinge that ' it was a point of national honour in Germany that the naval programme should be completed, that no discussion on this subject with a foreign Government could be tolerated. Such a proposal would be contrary to the national

dignity, and would give rise to internal troubles if the Government were to accept it'. And in a speech of December, 1908, Prince Bülow, while admitting that some international arrangement was in itself most desirable, pointed out that the difficulties in giving effect to any concrete proposals 'seemed almost unsurmountable', and that there was 'a danger that useless discussions on such a delicate point might aggravate instead of remedying existing conditions'. He went on to defend German naval policy by saying it was dictated by the necessity of placing herself in a position to defend her shores against attack; the real danger to Germany's peace would come if she consented to reduce her armaments below the level which her position in Europe demanded. The German naval programme was fixed by law, its extent determined by the number of ships required for coast defence and for the protection of German commerce. Against this attitude nothing could be done, but it must be observed that everyone knew that these statements were untrue. The whole difficulty arose because it was well known, and, in fact, had been publicly stated, that the German navy was being built not merely for the protection of the German coast, not merely for the protection of German commerce, but as a great political instrument by means of which Germany should deprive England of the influence and power in the world which she wielded by virtue of her superiority at sea. More than that, even before The Hague Conference separated, Germany had brought forward a new law, the chief point in which was that the period for replacing capital ships should be reduced from twenty-five to twenty years, thereby accelerating construction; at the same time the size of the ships was being increased so as to equal that of the dreadnoughts. This necessarily produced increased activity on our side, and the discussions in Parliament and the press aroused a dangerous spirit of national animosity. This was very inconvenient to the Government. There was, however, no alternative except at all costs to continue the construction of new ships in order to maintain the two-Power standard, and to lay down two keels for every one built in Germany. In January, 1909, Count Metternich explained that Germany would not exceed the naval programme as fixed by law, that she was building what was necessary for her own purposes, and that the number of vessels would not be either increased or diminished, whatever might be done in England. If this were indeed the case, there appeared to be no opening for any discussion.

A new period began with the resignation of Prince Bülow. There was no reason to doubt that his successor, Herr von Bethmann Hollweg, genuinely desired better relations. He was not an advocate of the new naval policy, and was, or soon became, on bad terms with Admiral von Tirpitz, who did not trust him. On the other hand, he had no diplomatic experience, and no great influence in his own country. Discussions with him were therefore from the beginning likely to be dangerous; they might easily arouse suspicions in Germany and give the advocates of a large navy a pretext for intensified public agitation, which would only gain in strength if it were suspected that the Government were inclined to relax their efforts. During all the discussions which followed he urgently pressed the importance of secrecy, and he was specially concerned lest it should be said that he had himself on any occasion taken the initiative.

In August, 1909, the Chancellor sent for Sir Edward Goschen and himself made proposals, which introduced an element of the highest importance:

> The Imperial Government were ready to make proposals for a naval arrangement, and to bring them forward for discussion at any time that might be suitable to His Majesty's Government.

He added, however, that it would be useless to discuss the naval question 'unless it formed part of a scheme for a good general understanding and was based upon a conviction on the part, not only of the two governments, but of public opinion in both countries, that neither country had any hostile or aggressive designs against the other'.

The proposal for a political understanding was not new; in April, 1909, Herr von Kiderlen-Waechter had suggested a plan comprising:

(*a*) A close political understanding under which an increase in the navy of either Power would be an advantage to both; or

(*b*) A convention by which each would engage for a fixed period—

(1) Not to make war against the other;

(2) To join in no coalition directed against the other;

(3) To remain neutral in a war in which the other was engaged with a third Power.

It would clearly be impossible for this country to agree to anything of the kind. What the Germans were suggesting was, in effect, that we should give up our connexion with France and

Russia, and pledge ourselves to support German policy and neutrality in the event of a war ; this would mean that Germany would be able to use, unhampered by any fear of British opposition, all the weapons she had for cementing her influence and control upon the continent of Europe. We should be making ourselves the instruments for the establishment of a system which would eventually become extremely dangerous to us. This point was clearly brought out in the confidential discussions which took place after the receipt of this German offer :

> Were England to give such a pledge to Germany the hands of England would be tied so long as the engagement remained in force, and Germany, the only aggressive Power in Europe, would be free to act when and where and how she pleased, while England remained a discontented and probably angry spectator. . . . It must be remembered that the one obstacle to German hegemony in Europe has been the strength and independence of the British navy.
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> Were His Majesty's Government to fall into a trap of this kind, the duration of the agreement would be strenuously employed by Germany to consolidate her supremacy in Europe, while England would remain as a spectator with her hands tied. At the termination of the agreement Germany would be free to devote her whole strength to reducing the only remaining independent factor in Europe, and if, relying upon a profusion of friendly assurances from Germany, which public opinion is always only too ready to believe and to accept as genuine, England had in the meantime neglected to maintain an absolutely predominant naval supremacy, she would richly deserve the fate which would inevitably await her, and compel her, for the first time in her history, to take her place amongst the satellites of the German constellation. Moreover, the mere announcement that England had concluded such an agreement with Germany would result in her immediate isolation, and would entail a loss of prestige and of any confidence for the future in her loyalty and friendship. Although it is unthinkable that any Government should ever be duped by such a transparent proposal as that made by Baron Kiderlen, which would not have been put forward without Prince Bülow's knowledge and approval, it is as well that its dangerous character should be revealed, and that the disastrous consequences which its adoption would entail should be fully realized.

But there were further reasons for rejecting the idea. As we now know, the chief object with which the fleet was being built was, as both Bülow and Tirpitz have explained, to make Germany so formidable that Great Britain would not risk political opposition. Proposals for an alliance between England and Germany in 1899 and 1901 had been rejected because at that time England was so superior to Germany at sea that Germany might have been the weaker party. What German policy, therefore, had aimed at was first to build a fleet which would be formidable even to England, and then to use this as a

lever to compel England to come into the German system. She was to be frightened into an alliance. That the proposal was, after some less formal negotiations, eventually put forward officially, shows that the German Government believed that their object was already within reach of attainment. England was incommoded by the necessity for high naval estimates ; let her make an alliance with Germany and then she would be freed from this inconvenience. The real truth was explained by the German Emperor when he said in conversation, ' the Russians have come to us, and now you must come. We must have a political understanding and then a naval arrangement tending to limit naval expenditure, to follow.' As this was the German attitude, they could not fail to welcome any movement in England against the increase of the fleet, and in favour of an agreement with Germany. All proposals for common disarmament simply appeared to them as evidence that Great Britain was beginning to feel the pace, and would, in the long run, have to fall out of the race. The proposal for a political agreement was a method of making the surrender easy. They did not believe that Great Britain would be able to maintain the two-Power standard, and in this they were confirmed by the constant agitation which was going on in this country for remission of armaments. This, as they interpreted it, seemed to show that England was feeling the strain more than Germany, and might eventually be willing to give up the struggle. Both Prince Bülow and Herr von Tirpitz believed this. Both thought that the danger point had been passed, and that the existence of the German fleet was doing its work. As the German Emperor said in discussing the two-Power standard :

> You have talked too much about it, that was your mistake. You should have built as many ships as you required without giving reasons. But clamouring about the two-Power standard in and out of season put other Powers on the *qui vive*, and now, if you do not like me to say the word impossible, it will at all events be extremely difficult for you to maintain that standard.

This was in 1911 ; his forecast was in fact fulfilled. The British Government, which had started on the principle of laying down two keels for every German one, eventually accepted the programme of sixteen to ten, although just at the same time great increases were being made in the Austrian navy, and a formal Naval Convention was added to the other agreements between the Powers of the Triple Alliance. In truth, the British Government throughout were much embar-

rassed by the strong agitation which was being conducted in the country against an increase of armaments and in favour of an agreement with Germany. The object of this, the avoidance of war, was highly meritorious, but the results were unfortunate. It naturally called out a counter-agitation which greatly aggravated matters, and in addition to this it was very useful to Germany. There was, in fact, much evidence that this agitation was being deliberately fostered by German influence, and it strengthened the belief that if she only persisted in building ships, eventually the rivalry of this country would break down.

The conversations, thus begun, were continued in the autumn when the Chancellor, after again insisting on the necessity of a political agreement, proceeded to develop his proposals for the Naval Agreement. It appeared that what was in his mind was that, while they must insist on carrying out the full programme of construction as laid down in the law, there might be a relaxation of the *tempo* of the German agreement, an alteration in the speed with which the ships were to be built. For instance, according to the programme, four ships were to be laid down each year for a certain number of years. The Government could, without consulting the Reichstag, reduce these to three. It is true that the total number to be built according to the programme, would not be affected, but the expenses would be spread over a greater length of time. On examination it appeared that what was offered and what was suggested was a general political agreement between the two countries; if this were reached, then there would follow what at the best would be merely a very slight postponement of construction with no real reduction.

Sir Edward Grey, in his answer, said that while there was no difficulty—

> in giving general assurances of a peaceable disposition . . . it might be difficult to find any formula going beyond this which would not give the impression that we were entering into closer relations with Germany than we had previously entered into with other Powers. As a matter of fact, we had no such general formula with any other Power, and such engagements as we had made were limited to the terms of the particular agreements which we had concluded. I understood that it was felt in Germany that some general understanding was necessary to cause the atmosphere to become more genial, and thus to make a naval arrangement possible. Here, however, there was an opposite feeling; a general understanding would have no beneficial effect whatever on public opinion, and would, indeed, be an object of criticism so long as naval expenditure remained undiminished. In order to remove suspicion here a naval arrangement was essential.

He then brought forward a proposal which he had already made on more than one occasion :

> A frank exchange of information between the German and British Admiralties would be the most effective factor in making both countries believe that the naval expenditure of each was intended for general purposes, and had not in view the stealing of a march or the gaining of an advantage at the expense of the other country.

It must be remembered that just at this time a very unpleasant controversy was going on, for it had been suggested in this country that the German Government were secretly laying down ships in advance of the period fixed by the Naval Law, and this suggestion had received the support of the First Lord of the Admiralty. He subsequently withdrew the charge.

And so, what may be called the first period, came to an end. The views of both Governments had been clearly stated ; there was a fundamental contradiction ; the British Government could not, for the reasons explained, accept the idea of a general political agreement which the Germans considered essential ; the Germans were unable to hold out hopes of any real reduction in their naval programme. Unless one side would give way, no progress would be made. It was the British Government who found an opening ; they did so by again approaching the question of a political agreement.

At the end of March, 1910, Sir Edward Grey reopened the discussion. It was clear that an arrangement of the kind discussed in the previous autumn was not possible at that time, ' but it seemed to him that the key to smooth relations . . . might be found in a settlement of the Bagdad railway question.' What this meant was that, instead of a general political agreement, the two Governments should proceed by settling in a friendly spirit specific points at issue between them. This, of course, was the way in which the agreement with France had been reached, and it is what we may call the traditional policy of the British Government. This attempt, however, failed. The Chancellor still insisted on his idea of a general understanding ; the difficulties did not seem to him in any way insuperable :

> In any case, he did not, to his great regret, see any other way of meeting the wishes of His Majesty's Government with regard to the Bagdad Railway . . . he had come to the conclusion that the only way in which an agreement respecting the Bagdad Railway could be made palatable to the German people would be that it should form part of a general political understanding between Great Britain and Germany.

Nothing could illustrate more clearly the immense importance which the Germans attached to the general political agreement.

Undaunted, in July Sir Edward Grey brought forward a new proposal, this time in a formal memorandum communicated to the German Government. He placed on record that hitherto two ways of reducing or arresting naval expenditure had been considered: (1) an alteration of the existing German Naval Law; this they had repeatedly declared was impossible; (2) a modification of the *tempo* of the rate of shipbuilding in Germany; this would leave the gross naval expenditure the same, but His Majesty's Government would readily discuss it. He now made a third suggestion: 'An agreement might be made based on an understanding that the German naval programme should not be increased, accompanied by an exchange of information between the two Admiralties.'

The answer of the German Government could have been anticipated. On the 15th December, 1910, the Chancellor explained that, in return for an engagement not to increase their navy, they would require a reciprocal engagement that there should be a defined limit to the British navy; in regard to this it must be observed that the size of the British navy was at this time determined by the two-Power standard; it must therefore take into consideration other navies besides the German; it would of course be very difficult for the British Government to accept any suggestion of this kind; on the other hand, the Chancellor naturally laid stress on this point and suggested that the German Government could not well be asked to accept a formal restriction which was not made reciprocal. 'It is proposed that *we are to pledge ourselves* to renounce an extension of the existing naval law; we could, however, not take this proposal into consideration until after the British Government had stated what *quid pro quo* ("Gegenleistung") they were prepared to undertake on their side in return for such a formal engagement. An agreement of this nature could be based solely on the principle of reciprocity.' In the meantime, the German Emperor, at an audience granted to Sir E. Goschen, stated with marked emphasis that he had no intention of allowing, and would on no conditions ever consent to, any agreement binding Germany not to enlarge her naval programme. Herr von Kiderlen, the German Secretary of State for Foreign Affairs, to whom Sir E. Goschen pointed out the discrepancy between the attitude on this question taken up by the Emperor and by the Chancellor respectively, endeavoured to explain away His Imperial

Majesty's words by suggesting they had been misunderstood. A promise was given to have the matter definitely cleared up, but nothing more was heard on the subject, and the Emperor's declaration was not disavowed.

Sir Edward Grey continued to press the suggestion of an exchange of information, and the contents of a memorandum from the Admiralty explaining the nature of the information which was required was communicated to the German Government. On the 16th December, Count Metternich was authorized to tell Sir Edward Grey that the German Chancellor adhered to this proposal and that his adhesion was absolute and not dependent (as was any agreement as to limitation of armaments) upon any political formula. From this time, therefore, a discussion on the exchange of information was continued side by side with, but separate from, the discussion on the other points. The Germans clearly had no great belief or interest in the matter ; the Emperor had at first opposed it, but they acquiesced because it might help their efforts to a political understanding. The negotiations on this question continued for another year. Formal proposals made by the Admiralty were communicated to the German Government explaining precisely the nature of the information which it was proposed should be communicated. Difficulties in detail, as, for instance, the time of the year at which the communications should be exchanged, were got over. Eventually, however, the subject seems to have been dropped, no result was attained, and German writers hastened to adduce this as evidence of British bad faith.

The result of the correspondence so far was that for all practical purposes proposals for a common reduction of armaments had failed ; on the other hand, the proposal for exchange of information had been separated from the rest of this controversy and was being dealt with separately. Sir Edward Grey, in March, 1911, reverted to the proposals for a political agreement, and in a memorandum communicated to the German Government, after recapitulating the reasons why a general formula was impossible, approached the question how an improvement in the relations could take place without this. What he suggested was that an endeavour should be made to come to an agreement upon certain specific questions, and, with this object, he proposed negotiations first with regard to the Bagdad Railway, and secondly with regard to the railways in Persia. In making this suggestion he pointed out that he was accepting the German view that some wider

agreement was essential to any arrangement about naval expenditure ; he assumed that the discussion of naval expenditure would not be postponed, but would proceed, so that an understanding on it should be simultaneous with the conclusion of any political understanding. After two months the answer of the German Government was received (the 10th May). It was a rejection of the proposal. It began by withdrawing the proposals for a retardation of the rate of naval construction, the chief reason given being the long delays in the negotiations for which the British Government were responsible. They would, indeed, be prepared to continue the negotiations and would look forward to receiving from the British Government proposals which did not involve a departure from the requirements of the Naval Law. They concluded by restating in very clear terms, their point of view as to a political understanding. They adhered to the opinion ' that a suitable agreement of that kind forms a necessary corollary to any naval agreement. They even believed that such an agreement might possibly render a purely naval agreement superfluous. . . . A general understanding which would exclude all possibility of an attack by one party on the other, and guarantee the friendly discussion of any questions that might arise between the two Powers, would be the best means of allaying all suspiciousness concerning each other's arguments '.

The result of this was that they threw upon the British Government the responsibility of bringing forward practical proposals as to reduction of armaments ; if they failed to do so the full responsibility for the failure of the negotiations would appear to rest with them. England had first proposed the idea ; the German Government had professed themselves willing to discuss it, but when it came to the point they always found that no practicable proposals were forthcoming. On the other hand, Germany had proposed a political agreement, which England had refused.

The discussions, which had been broken off owing to the Agadir crisis, were renewed during the winter, and in consequence of a suggestion made unofficially by the German Government, Lord Haldane proceeded on a mission to Berlin. An account of what took place has been published by him and also by Bethmann Hollweg and Admíral von Tirpitz. The object of the invitation clearly was to bring about a general political understanding ; hitherto, as we have seen, all negotiations on this subject had been evaded or refused. Lord Haldane, however, now entered into a close investigation as to the

possibility of devising any general formula. Side by side with this went the discussion on the naval question. The situation was remarkable. The German Government were on the point of proposing a third naval law, a *Novelle*, as they called it, which, as Admiral von Tirpitz explained, was imperatively demanded by German public opinion. In fact, a great naval agitation had been going on, of which he himself was the source. Originally it had been intended to add six capital ships to the existing programme ; Admiral Tirpitz was willing to sacrifice three of these if by so doing he could win England to the political agreement. He wished to keep them in the programme so as to bargain with them. The Emperor, however, as he explained to Lord Haldane, cut out three of the ships in order to ease the situation, and was prepared, at any rate, to discuss the indefinite postponement of one of these three. The German Government were in fact putting up further additions to their fleet, in order to use them as pawns for bargaining for the political agreement. Lord Haldane wisely refused to examine carefully the text of the new law which was handed to him, and he pointed out that his position would be made ludicrous if at the very moment that a political agreement was made, Germany again increased her fleet. On further investigation in the Admiralty it seemed that the *Novelle* went much further than at first appeared ; it included a large addition to the personnel of the navy and a great increase in the smaller vessels, destroyers and submarines ; if it were passed, a corresponding increase of the men in the British navy would become necessary and very great additional expense would be incurred. The German Government expressed strong surprise when this was pointed out to them, and it is curious to read the observation of Count Metternich that he did not understand why an increase of the German submarine flotilla would involve expense to the British navy. It is needless to say that the conversations led to no result ; quite apart from these technical naval matters, no agreement could be arrived at on the political formula.

This was in effect the end of these long drawn out discussions. During the next year, indeed, the First Lord of the Admiralty, in a public speech, threw out the suggestion for a ' naval holiday ', a cessation of shipbuilding for one year on both sides, but this led to nothing. If during the two years which preceded the outbreak of war less was heard of naval rivalry, the reason must be sought elsewhere. The defeat of Turkey in the Balkan wars made it necessary for Germany greatly to

strengthen her army ; in consequence no money was available for shipbuilding. In order to show the effect which this and similar suggestions produced on that party in Germany who were advocating a strong navy, it may be useful to quote a passage from a book published by Count Reventlow in July, 1914 :

> During the following period a series of attempts were publicly made by the First Lord of the Admiralty, Mr. Churchill, in order to get a so-called ' naval agreement '. This pressure is ultimately based on the fact that it has become more and more difficult for Great Britain to maintain that measure of ' absolute ' supremacy on the ocean to which she believes that she must make a claim. It is becoming constantly more difficult both financially and militarily. People in England cannot hide from themselves that the complete carrying through of the German naval law will attain its end for Germany, that it should be a serious risk even for the greatest Sea Power. This is the heart of all the English anxieties and endeavours, whether they take the external form of complaints, of remonstrances, persuasions, or are disguised as an economic, financial, military, or sentimental argument. . . . Now, as always, the main point remains the German fleet. Nothing has been able to prevent its construction—threats, intrigues, offers of alliance, were useless, and so the German fleet, which in 1898 was a *quantité négligeable*, is becoming the second among the fleets of the world.

The real result was that the discussions on the Bagdad Railway and African colonies continued ; they were brought to a conclusion by two treaties, both of which were ready for signature in July, 1914. It might well appear in Germany that the attainment of these two treaties was the first result of the building of the German fleet and that it proved the contention that the very existence of this fleet would alter British policy in a direction favourable to Germany.

The negotiations on disarmament had been fruitless ; on the whole they probably did more harm than good ; the more the situation was explored the clearer became the fundamental opposition between the two nations. In order to understand the whole situation it would be necessary to recount the other events which were going on contemporaneously ; the naval understanding with France ; the projected naval understanding with Russia ; the naval conventions which were added to the treaties of the Triple Alliance. The failure of the negotiations only led to more active preparations for war on either side. The problem before the British Government was one of extraordinary difficulty ; to approach it by raising the question of disarmament was, as the result showed, not helpful ; a sounder method was that which Sir Edward Grey

was pursuing at the same time, when he laboured, as in dealing with the Balkan problem, to bring together the two alliances in their integrity and by common action between them for the peace of Europe, gradually to convert them into a Concert of Europe. None the less it was perhaps better that the attempt should have been made. The catastrophe to which the world was hurrying was so terrible that it was only right that no possible avenue of escape should have been left unexplored.

But while we must record the fact that all these proposals failed and that on the whole they aggravated rather than smoothed the situation, it would be a dangerous error to draw the conclusion that similar proposals must always fail. In reading through the official correspondence, it is impossible not to observe that in the exchange of notes and the conversations between the two Governments the real fundamental difficulty was always evaded. This was inevitable. Both sides argued the points on the assumption that the German fleet was not being built against England and that the increase of the British fleet was not directed against Germany. Of course, everyone knew that the reverse was the truth. The whole *raison d'être* of the German fleet was that it should be used as a weapon against this country ; this does not mean that the Germans necessarily desired war ; as has been explained above, they hoped and anticipated that the construction of the fleet would be effective even without war. This being the case there was no common ground on which a mutual reduction of the fleets could be effected. The Germans were throughout in the stronger position ; a political agreement must come first. A political agreement was, however, impossible, for that would give the Germans just the political advantages which they were striving to obtain and which we were endeavouring to prevent. The only effective course, then, was so to strengthen the forces opposed to Germany as to make it clear to them that their objects were unattainable. Every sign of weakness or indecision did more harm than good. As a well-informed observer said :

> The reduction of English estimates in two successive years made them think they had a chance of rivalling us. . . . The attitude of alarm on the part of the English people and the somewhat peevish weak-kneed tone adopted in the press generally, encouraged Germany still more and made them feel that they had beaten us already, and redouble their naval activity. . . . A similar reduction of the English naval estimates in the future can only lead to a similar state of things ; the only way to a good understanding is for England steadily to build

ships yearly and add to her naval strength until Germany realizes that it is hopeless to catch her up. The continuous British programme will depress the German naval party's hopes more than large increases followed by reduced programmes.

The necessity for such a course depended ultimately on the fact that Germany's political ambitions were irreconcilable with the interests of this country. It was this which made a political understanding impossible. If, however, some other country were, as Germany did, to begin building a fleet so great as to be equal to our own, the action to be pursued would depend on the political objects aimed at by that nation; if they were not fundamentally irreconcilable with British interests, then no doubt a political agreement could be arrived at; this having been done, the reduction of armaments would follow automatically.

There is one matter of importance which arises out of this review. Discussions were always based on the assumption that while something might be done in the way of stopping the further increase of armaments, any serious reduction of armaments, not to say complete disarmament, was out of the question. This seems a dangerous misapprehension, and it may be suggested that it is a complete reversal of the truth. Paradoxical as it may appear, there was more prospect of success in a radical reduction of armaments than in the very limited proposals which alone were put forward.

This conclusion springs from fundamental causes; so long as armaments were kept at anything like the existing standard it might be a matter of life and death to each nation that it should not be surpassed by some other nation. It was characteristic of the time that armies had reached such a size that defeat in war, which might be very rapid, would be followed by complete political annihilation. The issue was one of victory or downfall. But victory or defeat might depend on a very slight margin. The point may be illustrated from actual experience; victory in the battle of the Marne might apparently have been secured by Germany had she had another 100,000 men, or had the railways in the west of Russia been less completely developed. This being the case it might be a matter of supreme importance to France, whether or not Germany had this additional 100,000 men. France therefore could not possibly be satisfied with any agreement which would compel her to keep her armies at a fixed level on the understanding that Germany would do the same, unless she had complete and absolute proof that Germany was carrying out her side

of the bargain. But it is inconceivable that any form of inspection or inquiry or mutual interchange of information could give the necessary certainty. Each side must always fear that it was being deceived or overreached, and this was a risk they could not take when so much depended on the issue.

If, however, at any time there should be a really fundamental reduction in armaments then this state of things would no longer continue, for war could revert to its older character; military defeat would not at once be followed by national destruction; the first engagements would have comparatively little importance and therefore it would not so much matter if there were some miscalculation or some misrepresentation.

It is possible that recognition of this may be of service in dealing with the present situation. The destruction of the German military machine and the disarmament of Germany has done away with the great impediment to a radical reduction of armaments, and, if other nations were voluntarily to follow the example which has been imposed upon Germany, then it is conceivable that we might achieve the result that the precise relative strength of the different armies ceased to be a matter on which the very existence of nations depended.

Local Agreements

As far as local agreements for reduction of armaments are concerned there are only two to which it is necessary to refer for the present purpose. Both belong to the New World:

The Rush-Bagot Treaty. In 1817 an agreement was signed between Great Britain and the United States, limiting the naval forces to be maintained upon the American lakes. The contents of this treaty are very simple: each State agreed that the naval forces to be maintained on Lake Ontario and Lake Champlain should be limited to one vessel not exceeding 100 tons burden and armed with one 18-lb. cannon, and on the Upper Lakes to two such vessels. It is an agreement which, for belligerent purposes, practically amounts to complete disarmament. For a hundred years the treaty has been observed, and it is curious to note that the first violation of it took place during the recent war.

On the other hand, there are certain larger points which must be mentioned. The limitation of armaments on the Great Lakes, which was alone dealt with in the treaty, would have been of little importance had it not been accompanied by the absence of any important military forces on the land frontier. This was not determined by any treaty. In addition

it is necessary to put on record the fact that from the termination of the Napoleonic wars, Great Britain has not maintained any large naval establishment in the West Indies, and has refrained from building modern fortifications there. The Rush-Bagot Agreement itself is only a small and comparatively unimportant element in the general situation. The actual fact of the general absence of rival armaments has, however, been of supreme importance. No one who recalls how very unfriendly the relations with America were during a large part of the 19th century, how frequent were the causes of difference, how unscrupulous and aggressive was American policy towards all her neighbours, can doubt that if there had been maintained large military establishments on either side of the Canadian frontier, war must have broken out at some period or other, as, for instance, during the discussions on the Maine or the Oregon frontiers. And again, if there had been a formidable naval base in Jamaica, with a large and modern fleet permanently maintained there, it is almost inconceivable that the very difficult negotiations arising out of the Clayton-Bulwer Treaty would not have led to rupture and war. It seems then possible to contend that in this case the absence of armaments has prevented war.

On the other hand, it would be a dangerous error to suppose that this was the only cause for the preservation of peace. Ultimately, if war has been avoided when so often there was a just cause, it may be suggested that the real reason is to be found in the fact that the matters at issue were not regarded by this country as vital interests. In the long run we were always willing to give way to the United States on these difficult frontier matters, and we did the same when Alaska was annexed. This, however, would not have been the case had Canada been an independent Power or had Canadian interests enjoyed the same influence in shaping imperial policy as they do to-day. As soon as a matter of controversy arose between this country and the United States, which was recognized here as of prime imperial interest—as for instance the exercise of the right of search during the American Civil War—we were at once brought to the very brink of warfare. The conclusion seems to be that the absence of military preparations and armaments in this case made it easier to keep the peace when questions of subordinate importance were being discussed, but it ceased to be an important factor as soon as questions of vital interest arose. This is borne out by the whole history of the relations of the United

States to other nations; though they have never hitherto kept any large naval or military establishment, their history has on the whole not been a peaceful one; they have never been reluctant to go to war when a question arose in which the nation as a whole was really interested.

The Argentine-Chile Convention.—In the year 1902–3, after the settlement of certain disputed frontiers and the conclusion of a general treaty of arbitration, an agreement was arrived at between the Argentine Republic and Chile 'with the view of giving effect to the just balance which both countries have decided to establish between their respective fleets'. 'These decisions were taken owing to the initiative and the good offices of His Britannic Majesty's Government.' The disarmament treaty included clauses for the sale by both countries of vessels then under construction. They also bound themselves—

> not to increase without previous notice their naval armaments during five years; the one intending to increase them shall give the other eighteen months' notice. It is understood that all armaments for the fortification of the coast and ports are excluded from this agreement, and any floating machine destined exclusively for the defence of them, such as submarines, &c., can be acquired.

It will be noticed that the agreement as originally signed is limited to five years. It does not appear from such information as is available that it has been renewed.

The War of 1914 and its Consequences

It remains to examine how far the situation was altered by the outbreak and course of the late war, and by the peace with which it concluded.

Before proceeding further it must be observed that the apprehensions of those who drew attention to the dangers involved in the immense increase of armaments had been justified. The condemnation of the system was based upon two principal considerations—the enormous loss of life and destruction of wealth incident to modern warfare, and the fact that the very existence of these armaments, far from preventing, had actually caused the war.

As to the first, nothing need be said; as to the second, a word of explanation seems necessary. The more fully the events immediately preceding the war are made public, the clearer does it become that at the last moment war was made inevitable, not by the original matter at issue, the action of Austria against Serbia, but by the military preparations arising therefrom. The final cause of war was Russian and German

mobilization ; this was not accidental ; if mobilization brought about war, this was a necessary consequence of the fact that every country in Europe had been forced by the example of Germany to keep its military establishment at the maximum and maintain it fully prepared for the immediate outbreak of hostilities. In earlier years, mobilization had often taken place while negotiations were continuing, and no war ensued. It was the immense increase of the armies and the state of complete preparedness which ruled out such a possibility. For this Germany was entirely responsible. Even if we accept the German contention that the Emperor, at any rate at the last moment, did all in his power to avoid war, it was the system according to which the German Government had consistently acted for fifty years, which frustrated these efforts ; the outbreak of war and the final defeat of Germany were the logical outcome of the military system which she had herself advocated. It is a striking instance of the judgment which always comes upon a nation which bases its policy on a false principle.

The result of the war, ending as it did with the defeat of Germany, was to remove what had for two generations been the most obvious impediment to any reduction of armaments. No nation is likely in the immediate future frankly to revert to the full principle of German militarism, which meant that military establishments should be kept at the *maximum* which each country could achieve. But the fall of Germany only brings us back to the condition of things in the old days before the German doctrine was put forward and acted on, the days when each country organized its armies and its navies in accordance with its actual political situation, internal and external. If we were to revert to this system, then we might have armies proportionately much smaller than during recent years, but it would be possible for any State, confronted either by serious danger or tempted by some object of ambition, suddenly to begin increasing its army or its navy. If there were no special cause of political restlessness, then the English example of always keeping armies at the *minimum* would no doubt become influential.

The peace has, however, brought with it factors which are completely new in European history, and which may indeed alter the whole situation. These are the disarmament of Germany and the establishment of the League of Nations. The complete disarmament of a great country like Germany, even though it was brought about not by voluntary action, but by terms imposed by victorious enemies, is a fact com-

pletely unprecedented. If it were maintained, it must exercise a force and influence over the neighbouring States just as great as, though precisely opposite in direction to, the great German military system. This has already been illustrated by the marked tendency towards a reduction of military forces in Holland and in the Scandinavian States. It would afford a norm to which other States would approximate, unless there were definite local conditions (as, for instance, the Bolshevik danger) which compelled them to keep up large armies. In the long run it would ultimately affect even France. In order to be effective, the disarmament must be maintained and it must be imitated ; it would, however, be dangerous if the imitation were too long delayed. If it turned out that after the expiration of some years other States had not voluntarily followed in the course imposed upon Germany, then the artificial disarmament of Germany would become, not a safeguard, but a danger, for inevitably the whole efforts of the German people would be once more directed to raising their own military strength to one proportionate to that of their neighbours. On this point there can be no doubt. Any attempt permanently to maintain Germany in her present position of forced inequality would be the source of the gravest possible danger to Europe.

For this reason it might be regretted that no definite steps were taken to encourage other nations in this course. The military, naval and air chapter of the Treaty of Versailles are introduced by the following clause :

> ' In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.'

The matter was however not pursued after the conclusion of the peace, and no steps were taken to restrict the natural tendency of the new States to inaugurate their sovereignty by the building up of armies on which they depend for the protection of their newly-acquired sovereignty and territory. Any such restriction would have required a deliberate foresight, a unity of aim and a power of action among the Allies, which was not present ; it would have been necessary that the Great Powers should have been willing to take upon themselves the full and complete responsibility, whether acting through the Supreme Council or through the League of Nations, for maintaining order in Europe, for suppressing disturbances, and also for guaranteeing the terms of peace and the integrity of the

European States. A radical disarmament would have required as its first step an unflinching display of military force ; this is the manner in which private war was suppressed by Henry VII and by Richelieu. For this neither Great Britain nor America were prepared, while France was more interested in the organization of armies in other States which could, if necessity arose, be used against Germany. Moreover, such a policy could not have been carried out unless the terms of peace were such that the public opinion of the world would vigorously support their stringent enforcement. As a last stage, when peace and disarmament had been imposed on Europe by the force of arms, the Great Powers could have proceeded to disarm themselves.

The difficulty of carrying out any such programme was increased by the decision under which the disarmament of Germany was coupled with the adoption of the voluntary system of military service. This at once prejudiced against the idea, not only the soldiers, but many who were most adverse to war. Continental States will never willingly accept the principle of reduction of military forces so long as it involves what is a purely British and American conception and rejects the system of compulsory military service, which is generally regarded as a guarantee of peace. The system to which the best continental opinion inclines is one which would take Switzerland as a model.

These considerations apply only to the land forces on the continent of Europe ; this is tending to become a local rather than a general problem. They do not apply to naval disarmament or to other continents. The factors to be considered there are new, and on them history throws no direct light.

No direct action towards the general reduction of armaments having been taken at Paris, the whole matter was left to be dealt with by the League of Nations. The outbreak of war in 1914 had naturally led to further consideration as to the method by which, after its conclusion, future wars could be avoided. From the very beginning there was much discussion, with this object, on projects for the establishment of a League of Nations ; in England a departmental committee was set up by the Foreign Office under the chairmanship of Sir Walter Phillimore, to consider the matter. Their report, while it considers fully proposals for a League of Nations which should avert war by providing for the peaceful settlement of disputes, entirely ignores the problem of disarmament. This is not surprising. Those who had had experience of the

discussions on this matter during recent years were not inclined to reopen the question; it did not seem to them that this would be a useful method of procedure. Practically every suggestion of the kind had failed, and the more thoroughly it had been investigated the more unwise it appeared. The conception by which the committee were guided seems to have been that the right method of avoiding war and the preparation of war was the separate settlement of each particular dispute between nations as it arose, and as a means to this end the provision of machinery, such as arbitration, for the peaceful settlement of such disputes. If this procedure were successful, then disarmament would inevitably follow.

It is also to be noted that the matter was approached with very great caution in the discussions of the League of Nations Commission at Paris and that the Covenant of the League of Nations lays little stress on it. The text of the Covenant is based on drafts prepared by Lord Robert Cecil and President Wilson; the former had, probably not without reluctance, recognized how very strong was the case against putting disarmament first or approaching it directly, and had therefore in his draft omitted anything which would bind the States entering the League. The matter was deferred for later discussions and agreement within the League. It is dealt with in article 8 of the Covenant, which is as follows:

> The members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.
>
> The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.
>
> Such plans shall be subject to reconsideration and revision at least every ten years.
>
> After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.
>
> The members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.
>
> The members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

This was based on and developed out of the following article, which is to be found in the original draft of British and American origin, on which the Covenant was drawn up : [1]

> The high contracting parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations ; and the Executive Council shall formulate plans for effecting such reduction. It shall also inquire into the feasibility of abolishing compulsory military service, and the substitution therefor of forces enrolled upon a voluntary basis, and into the military and naval equipment which it is reasonable to maintain.
>
> The high contracting parties further agree that there shall be full and frank publicity as to all national armaments and military or naval programmes.

It is to be noted that no proposals of this kind are to be found either in the French or in the Italian drafts.

The sentence directed against compulsory universal service was eliminated owing to the protest of the French representatives, who pointed out that this system of military service was, in their view, an essential part of the constitution of a democratic State. The discussions in the committee turned chiefly on the possibility of enforcing the adhesion of the nations to any scale of armaments which they had accepted. The French pressed for actual control by the League ; they throughout took the view that no agreement would be effective unless the principle of surveillance was adopted ; they insisted that their amendment should be put to the vote, but it was rejected by twelve to three. As is well known, the view of the French representatives throughout was that the League of Nations should have at least a permanent staff and the skeleton of a military organization in order to impose their will against any recalcitrant State ; it was by this means and not by any general agreement as to the limitation of armaments that they hoped to be able to ensure the observance of peace in the future. The fact that the French professed themselves willing to agree to an international investigation of their own armaments naturally excited comment and surprise. One explanation is that they were completely sceptical of any German promise to reduce armaments unless there was some effective investigation, and a thorough control of German armaments would be so advantageous to them that they were prepared, in order to get this, even to accept some control of their own.

[1] [See David Hunter Miller's *The Drafting of the Covenant*, Vol. II, pp. 233 *et seq.*]

In addition, it must be remembered that we cannot be sure that M. Bourgeois, the French representative, was really representative of French thought on this matter; it is quite possible that the French Government only permitted him to take the line that he did because they were convinced that general control would not be accepted, and they would then be able to quote the discussion as justification for not placing any confidence on uncontrolled German disarmament, as, in fact, they have done.

Indirectly the matter arose in connexion with two other articles of the Covenant. Article 11 runs as follows:

> Any war or threat of war, whether immediately affecting any of the members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary-General shall, on the request of any member of the League, forthwith summon a meeting of the Council.
>
> It is also declared to be the friendly right of each member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Under this clause it would clearly be possible for any State to bring before the notice of the League excessive military preparations on the part of a neighbouring State which were so pronounced as to constitute a threat of war.

The Japanese had proposed, in addition to article 12, the following clause:

> From the time a dispute is submitted to arbitration or to inquiry by the Executive Council, and until the lapse of the aforesaid term of three months, the parties to the dispute shall refrain from making any military preparations.

This amendment was considered and rejected; the chief reason seems to have been the belief that if it were adopted the only result would be that every State would always keep its forces up to the maximum allowed under the hypothesis that article 8 became effective: 'It would not achieve the desired object because it would encourage certain States to maintain throughout a period of peace the maximum military forces. Such a situation would turn the world into a veritable armed camp just as it had been before the war.'

The whole point had, in fact, been anticipated, and a similar

proposal rejected by the Phillimore Committee who in their report say:

> It will be noted that the proposed moratorium only extends to actual warfare. Some writers have suggested that there should be no warlike preparations during the period. We have rejected this:
>
> (*a*) Because it will be difficult to ascertain what were special warlike preparations.
>
> (*b*) Because we would designedly give an opportunity to the most peaceful State which had not kept its armaments up to a high pitch to improve them during the period of the moratorium, in this way discounting to some extent the advantages which a State which kept up excessive armaments would otherwise have had.

The object of this paper is to give a purely historical account of the previous proposals for the reduction of armaments; it would therefore be beyond its scope to describe the subsequent action which has been taken under article 8 of the Covenant of the League of Nations or in other ways.

October, 1921.

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met, while it will always retain its historical interest, will cease to have immediate bearing on our present action.

In truth the elimination of war would completely alter the character of diplomatic relations and the methods of diplomacy. Already we can see the first beginnings of this new conception and undoubtedly a new diplomatic technique coming into being. The flood of light which recent publications have thrown upon every detail of European diplomacy during the years preceding the war, cannot but have a profound effect upon our action in the future, for on one thing every one will be agreed, that this is not the way in which public affairs should be managed. The unvarnished record is the most complete condemnation of the system. It is true that the years immediately preceding the war were not characteristic; it was a time when the whole efforts of every country were avowedly concentrated on preparations for the war which all professed they wished to avoid, and all believed was inevitable. No single step could be taken, no movement made in any part of the world, but there had to be considered its possible effect on the relation of the great alliances, and whether it would tend to precipitate the impending catastrophe. All this affected essentially the character of diplomatic negotiations. But if we grant, not only the obvious fact that the immediate and unusual complications of that period have disappeared, but also that the very prospect of a great war between the Powers may be neglected, the change is so fundamental that the study of the past, great though its historical interest may be, will be of little practical use to the diplomatists of to-day. Whether the diplomacy of the future will be superior to that of the past is another question. The fear of war has often been a restraining influence and one cannot be sure that violent appeals to national prejudices and passions may not become even more common and more unrestrained when one of the chief grounds for caution and prudence has been removed. However this may be, one can already see that the diplomacy of the future will be more and more occupied with interminable legal controversies, which are never settled and lead to no conclusion. We may, I take it, presume that the proceedings of the Council of the League of Nations are typical of the new era, which is now only just beginning; and among them, what is more characteristic than the controversy between Roumanians and Hungarians over the Optants, and the unavailing efforts to reconcile Poles and Lithuanians? We must be prepared to expect that, as the

world settles down after the convulsions of the late war, men will more and more turn away in pure weariness from a study of these futile and ineffective discussions.

None the less, the time does not seem actually to have arrived when this great change in the relations of states to one another and in the character of their intercourse has been finally and definitely achieved. The regeneration of mankind may be on its way; it is not yet accomplished. The League of Nations is in existence, but it is not from Geneva that the world is yet governed; the springs of action, the sources of authority, are still to be found not there, but in London and in Paris, Washington, Berlin and Rome. The rivalry of states has not ceased and in each state opinion is still guided by traditional motives, prejudices and beliefs. I see no sign that the British, French or American nations have any intention of renouncing such fundamental interests as the control of the Persian Gulf or the maintenance of the French sphere of influence in Northern Africa, or the body of principles, aims and ambitions implied in that comprehensive phrase, the Monroe Doctrine. When confronted with political problems of real moment, the actions of states are not essentially different from what they have always been. The time has not yet come when we can afford to neglect any opportunity of acquainting ourselves with the manner in which Congress, or Parliament, or the Chamber of Deputies, or the Quai d'Orsay, or the Consulta, have acted in the past.

The task of the statesman has been complicated, not simplified. The environment in which he works has not been fundamentally changed and yet the desire manifest in certain circles to break all sense of continuity, is not the product merely of an unpractical idealism. A new purpose has been superimposed upon the substructure of older motives and desires. To-day there is almost universal agreement that the preservation of peace should be the supreme object of endeavour. It does not follow that this object will be more readily achieved by cutting ourselves off from all knowledge of a past, when war was only too often considered a lesser evil than the renunciation of some real or supposed national interest. It is only by a frank recognition of the fact that the traditional interests and ambitions of states still persist that these interests can be reconciled by peaceful means. Moreover, faulty, spasmodic and ineffective though the efforts of our predecessors may have been in the avoidance of war, it does not follow that a study of these efforts may not

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